Editorial Comment
October

NATIONAL MUNICIPAL REVIEW

Vol. XXV, No. 10 Total No. 244

The Record of the County Manager Plan

EVIDENCE as to the effectiveness of the county manager plan continues to accumulate. Even in situations where it is operating under conditions that are far from ideal, the plan has apparently introduced visibility into the government with as heartening results as accompany sunshine in a sick room. There is a healthiness about responsibility which together with simplicity contributes the visibility; it not only sobers, it supplies incentive to good work.

Under the best conditions of operation, of course, the county board (a small board elected at large on a non-partisan ballot by proportional representation) selects an executive trained in public administration to run the business of the county, the manager appointing all other administrative officers. Only the members of the board remain elective, such officers as the sheriff, the county clerk, the county treasurer and others being department heads under the manager. A perennial three-way controversy has raged over the office of prosecuting attorney as to whether he should be appointed by the attorney-general, or the county manager, or remain elective. The preponderant opinion appears to favor the first-mentioned solution.

So far no county has adopted completely this ideal plan. Indeed, no county in the United States has yet adopted proportional representation as a method of electing the members of its board although P.R. has many obvious advantages over the prevailing geographical system of representation. And counties, too, have shown a reluctance to part with all of the traditionally elective officers, although it might be more realistic to say that the traditionally elective officers have shown a reluctance to permit their jobs to be legislated out of existence. Be that as it may, despite the fact that what authorities consider the ideal set-up has as yet not been adopted by any county, substantial progress has clearly been made in all counties which have taken a part of the whole. These counties are: Arlington, Albemarle and Henrico Counties in Virginia; San Mateo and Sacramento Counties in California; and Monroe County, New York.

Two years have elapsed since the REVIEW published an appraisal of results in these counties. It is significant testimony to the efficacy of the plan which Messrs. Cottrell and Spicer bring forward in this issue.

Buying a Mirage

VOTERS of four states—Colorado, Georgia, Oregon and Washington —will decide at the November elections whether they will adopt over-all tax limitation laws. In addition, Michigan voters will have to accept or reject a constitutional amendment which would abolish all *ad valorem* taxes on real property.

It is probable that the latter proposal will fail. It is the *reductio ad absurdum* of over-all tax limitation. Tax limits and still more tax limits are established until we have no more taxes! Perfect! The mystic words are mumbled by the voter as he stands over a little black box and poof—his troubles are ended.

The other proposals, less drastic in nature, and backed by powerful interests, are more likely to pass. Here again the taxpayer deludes himself. "Tax limitation" is a splendid idea but as elusive as a hare on a frosty morning. The record of experience in Ohio, Michigan and other states should be scrutinized by citizens of the four states mentioned above. They will find that tax limitation does not mean reduction of expenditures and that, paradoxical as it may sound, tax limitation may result in their paying more taxes after limitation than before!

There have been people who went into the desert and bought a mirage.

Juggling Local Functions

PROFESSOR Bromage in his article in this issue of the REVIEW rather effectually disposes of the township as an archaic, outmoded unit of government. In the rush of the theorists to larger units of government, he even confesses himself somewhat of a conservative in thinking that the county can be salvaged as an agency of local self-government. And it may be that the acknowledged inefficiencies in local government will ultimately kill off our smaller units.

However all has not been said that can be said with regard to the township. In New York State, for example, where the town is a kind of half way point between the New England town and the middle-western township, certain groups are pointing to the small village and raising the question as to whether, instead of abolishing the town, there does not exist the chance to create a real rural municipality out of the town by transferring to the town government the functions now administered by the smaller villages. Then, the advocates of this say, the town would include, as a rural municipality should, both the farm and the local market within its jurisdiction.

This constitutes an interesting challenge to the generally agreed-upon thesis of the political scientist as to the future of town government. It presents a new array of battle lines. In the movement toward larger units of government, as town functions may be transferred to counties, village functions may be transferred to towns. That is, at least, one of the theoretical alternatives.

In the final analysis, citizens as residents of village, town, county and state, will be called upon to determine the distribution of functions as between the various units as well as which units shall be abolished. It is to be hoped their thinking will be colored by their real conviction of the direction in which the ultimate welfare of their community may lie rather than in the more personal question as to whether Tom Jones or Bill Brown will keep his job.

Spotlight on the County Manager Plan

Continued success of the council-manager plan in counties in Virginia, California and New York advances it far from the category of experiment to a method of proved worth

GEORGE W. SPICER — *Chairman, Virginia Commission on County Government*
EDWIN A. COTTRELL — *Stanford University*
HAROLD W. SANFORD — *Associate Editor, Democrat Chronicle, Rochester, New York*

VIRGINIA

TWO YEARS ago, in the columns of the REVIEW, the present writer set forth the experience of three Virginia counties under the county manager plan. Readers will remember that this experience was highly favorable to the manager plan. This successful experience has continued to date with accelerated speed and increased vigor.

Not the least important effect of the county manager plan in Virginia counties has been the favorable response which it has evoked from the people of the counties concerned. This result was effectively expressed recently by the former manager of Arlington in these words:

"No plan of government is perfect, but the manager plan is the best that has yet been devised. I cannot, therefore, understand why more counties have not adopted it. In counties where the plan exists the people are well informed as to what it means to their well-being, because it is a form of government that informs and enlightens those whom it serves. This is something the old form *did* not and *does* not do. When you enlighten or educate a citizen to *what* is being done with the tax dollars he pays and *why* it is being done, then in almost every case you will have a real supporter of the new government. The manager plan has done that, and it is one of the greatest of its accomplishments."[1]

Developments with which the readers of the REVIEW are perhaps not generally familiar are the Compensation Act and the Trial Justice Act passed by the 1934 session of the General Assembly of Virginia. Both of these are general mandatory acts and with few exceptions are applicable to all counties of the state. The first act places all major offices of the county, with the exception of the sheriff and the clerk of the court, on salaries to be determined by a state compensation board in coöperation with the local board of supervisors. The second act, in effect, abolishes the office of justice of peace as a trial officer by transferring his trial jurisdiction to a single trial justice for the entire county. Indeed, two or more counties may combine to employ a single trial justice. The justices of the peace remain only as process servers. Before this general act was passed, approximately twenty counties in the state had experimented with the trial justice system under special acts.

[1]Roy S. Braden, "County Manager Plan in Operation" (Address delivered before the round table on local government, Institute of Public Affairs, University of Virginia, July 7, 1936.)

The successful experience of these counties was sufficient to induce the General Assembly to pass the general act in 1934. While experience with this act has shown some minor flaws, the experience of the counties as a whole has been as successful as that score that had pioneered with the plan in preceding years.

The jurisdiction of the trial justice is greater than that of the old justice of peace in both civil and criminal matters. This system has resulted not only in more efficient and equitable administration of justice in that class of cases which touch the lives of the people more frequently and more intimately than any other class of cases, but it has also greatly reduced the number of appeals to the circuit and corporation courts, thus relieving these courts of an unnecessary burden and saving the state money in jury fees.

CONSOLIDATION AN URGENT PROBLEM

Farm life and farm methods have undergone radical changes in the past thirty years, changes brought about largely by rapid means of communication and transportation. The middle-aged farmer of today can well remember when a trip to the courthouse fifteen miles away required more time and difficulty than a trip one hundred miles to the state capitol requires today.

The residents of Virginia's counties have been quick in appropriating these modern means of communication and transportation to their personal and individual use and in modifying their lives accordingly. But they have been slow to recognize the fact that these same inventions and improvements call for a revamping of their governmental institutions. The county of a century ago, or two centuries ago, was planned —if there was any plan—with a view to the then existing conditions. This plan did not take into consideration the telephone, good roads, and the automobile. Failure to recognize these facts and to alter the organization and size of their governmental units has cost the county taxpayers of Virginia many unnecessary dollars, and has at the same time deprived them of improvements and services that they might have had with less cost.

INABILITY OF THE SMALLER COUNTIES TO PROVIDE SERVICES

Perhaps the most serious problem confronting the smaller counties in Virginia is the inability of these counties, owing to their lack of population and taxable wealth, to support any adequate and satisfactory unit of government. It is probable that more than half of the counties of the state lack the economic ability to provide the services normally required to meet the necessities of modern community life.

What the people of the several counties are losing by not taking steps to remedy these conditions is indicated by two comparisons which the Virginia Commission on County Government made in its 1934 report. With a view to determining the possible economic results of county consolidation, the Commission undertook a brief comparison of the operating cost of two groups of small contiguous counties with two relatively large neighboring counties of fairly comparable population, area, and taxable wealth. In the one case, the four peninsular counties of Elizabeth City, James City, Warwick, and York, with a total area of 417 square miles, a total population of 40,158, and taxable wealth valued at $50,562,133, were compared with Accomac, having an area of 502 square miles, a population of 35,854, and locally taxable wealth valued at $32,509,971. In the second case the counties of Amelia, Nottoway, and Prince Edward were compared in the same manner with Hal-

ifax. In the first case it was found that the operating costs of the one large county were slightly more than 22 per cent less than those of the group of small counties and in the second case the difference was slightly more than 26 per cent in favor of the one large county. These comparisons were for the fiscal years ending June 30, 1931 and 1932. For the fiscal year ending June 30, 1933, the difference in total operating cost in the first comparison was 76 per cent in favor of the one large county and in the second comparison the difference was 55 per cent in favor of the one large county.

PLAN OF CONSOLIDATION SUGGESTED

With the hope of furnishing the basis for the development of a thorough and practical plan of county consolidation, based upon sound principles of local governmental administration, the Commission, as a result of further study of the problem, ventured to suggested a definite plan for regrouping the counties of Virginia. In the formulation of this suggested plan the Commission attempted to combine in a practical way the following factors: the topography of the region, area, population, convenience of trade centers and the general economic character and condition of the region. Also no attempt was made to cut across existing county lines in forming the larger districts. Obviously no perfect balance of these factors is likely to be possible in any one district. Area, for example, must yield in some cases to topography and in others to density of population.

As a preliminary step to the formulation of its suggested plan of consolidation the Commission made a detailed cost analysis, on a functional basis, of all the counties of the state except Arlington. The cost of each operating function in each county was computed in terms of area, population and actual cost, and presented in tabular form. On the basis of these statistical data and the factors previously mentioned, the counties were arranged in thirty-one groups, and Arlington, with the combined total operating costs of the counties in each group shown for the fiscal years ending June 30, 1933 and June 30, 1934. A colored map showing the suggested groups was also presented. The enlarged units were designated by letters of the alphabet on both the statistical tables and the map.

An examination of the tables shows that the suggested administrative districts vary in area from 417 square miles to 2,155 square miles. However, the population of this smaller area is more than forty thousand. The average area is 1,298 square miles and only six have an area less than 1,000 square miles. In population the proposed districts vary from 22,397 to 105,767, the area occupied by the smaller population being 1062 square miles.

ADVANTAGES OF PROPOSED PLAN

As the figures cited above show, one of the most obvious advantages of such a plan of county consolidation is a substantial economic gain to the taxpayer. Of course, no one can predict precisely the saving that would accrue to the taxpayer as a result of the adoption of this or a similar plan of consolidation. But it seems safe to say that, on the basis of comparisons made above, a conservative estimate would place this saving at no less than 15 per cent in operating costs. If the consolidated district were organized on the manager or executive plan, the experience of Albemarle and Henrico would seem to afford ample basis to raise this estimate to 25 or 30 per cent.

However, there are other advantages of equal importance to be considered in this connection. Not the least of these is the improvement of the quality

of the governmental personnel of the county. It is obvious that many of the counties of Virginia would be able to employ more capable and more efficient officers if the compensation were more in keeping with the qualifications requisite for the various offices. Many of these officers are actually on a part-time basis which results in indifference and inefficiency in the performance of their duties. It is only natural and human that this should be so. If these counties would combine their financial resources through consolidation, they would not only be able to employ a more competent personnel, but they would at the same time create administrative districts more suitable to the performance of the functions of county government.

Closely linked with and largely resulting from the foregoing advantages is that of more efficient service. This comes about because of the improved personnel and more adequate administrative areas just considered and also because of the saving in overhead expenses resulting from consolidation. Money thus saved can be spent, if the taxpayers will it, for better schools, for better health services, for better care of the neglected and dependent in the county and for other necessary governmental services.

Finally, for those who believe in the principle of local self-government for counties, there is the important question of whether the counties of Virginia can remain units of local government without combining their material and human resources with one or more of their neighbors. The people of the smaller counties have the same desire for the services of modern community life that the people in the larger counties have, and they will not cease to demand them from one source or another. If the county is unable to afford them they will be furnished by the state with state control commensurate with the amount of aid granted. The ultimate end of this process is the disappearance of the realities of local self-government, with only its shadow left. Already the Commonwealth is furnishing nearly 30 per cent of the total revenue of the counties.

Under the plan proposed by the Commission[2] the present counties, with their names, would be retained as historical and political divisions and upon them would be superimposed a larger unit which would take over the governmental functions of the present county. For the larger units the name "Administrative District" was suggested. It is not anticipated that this or any similar plan of consolidation will find favor with political forces in the several counties.

CALIFORNIA

There is much discussion for, and some progress in, the county executive plan in California. San Mateo and Sacramento counties which adopted the plan in 1933 have both made notable advances in their internal affairs. Santa Clara in 1934, Kern in 1935, and Butte, by amendment to its old charter in 1935, defeated the county executive plan proposals. In all three cases, the short time between submission of the proposals and voting thereon, for explanation of provisions and education of the voters, was inadequate. Lack of spectacular accomplishments in San Mateo and Sacramento coupled with the unsettled social and economic conditions and usual political opposition also played a very large part in their defeat. The proposal in Santa Clara provided for a county executive-controller combination. That in Butte was for

[2]Report of Virginia Commission on County Government, January 1936.

the secretary of the board of supervisors to act as county executive while Kern proposed a straight county executive form. One peculiar provision of the Kern proposal was that the first executive should be selected by the board of freeholders which proposed the charter. This feeling of distrust in the discretion of the supervisors to select a proper executive was also emphasized in the San Mateo and Santa Clara boards of freeholders.

All of the charters which have been adopted or proposed have several important improvements over the normal county government provisions in California. The county executive form with short ballot for elective officers is the outstanding one. All have provided for the consolidation of health and welfare activities, for the merging of five road districts into one under a county engineer, and for improved fiscal and purchasing procedures. Criticisms which might be made are that the charters are too long and detailed, frequently including state statutes unnecessarily, have too many details of administrative procedure, include many hobbies and freak provisions, and many unworkable features. In other words, no real discretion is left to the supervisors or executive to solve current problems or face future contingencies.

LEGAL DIFFICULTIES IN SAN MATEO

An article in the REVIEW of October 1934[3] described the conditions then existing before a full transition between the old law and the new charter provisions had been accomplished. In January 1935 both charters were in full operation with full sets of officers elected or appointed under their provisions. San Mateo county started under legal difficulties and during the first two years there was constant wrangling before the courts and board of supervisors on legal provision of the charter. This unseemly squabbling was reopened after the defeat in the primaries of the leader of a majority of the board which for the entire life of the charter has continued to debauch its provisions. The manager has been under constant fire as a political appointee. A director of health and welfare was imported and subsequently dismissed after a political and legal brawl. The engineer, a competent local man, was displaced by another importation who in turn was declared ineligible and a second importation appointed. Most of the trouble in the two positions was due to the distribution of patronage in relief for the unemployed of the county. Many suggestions for changes in methods of operation and in provisions of the charter have been presented to the board of supervisors by a good government association but without any change in the attitude of the board.

QUIET OPERATION OF CHARTER

Sacramento continues to operate its charter in a quiet and successful manner. It has not been an easy thing to introduce a new element of administrative machinery into the existing political code of the state. Fortunately, the supervisors and executives have worked in coöperation. The various elected and appointed county officers working under code provisions have, in some degree, continued to be autonomous political entities. The executive has been extremely successful in wielding them into a harmonious whole. This feature might be emphasized at more length but would mean merely a complete revision of the political code to conform to the newer technique of administration. Most of the boards of freeholders, both county and municipal,

[3] "The County Manager Plan Proves Itself," NAT. MUN. REV. XXIII:10, October 1934, pp. 505-508.

have found themselves confronted by provisions of the constitution or statutes which seriously interfere with necessary provisions of a charter providing the orthodox executive machinery.

Two of the San Mateo supervisors failed to file bonds on their induction into office in 1935. Their seats were declared vacated and the Governor appointed them to serve until the next general election. Under these conditions, the county electorate at the August primaries this year had the opportunity to elect all five supervisors at one election. The charter provides for a county-wide vote upon nominees in each of the five supervisorial districts. The result of the primary indicated that the old majority which has been instrumental in preventing the charter from full operation has been broken up. The leader of this oppositionist majority won in his own district but was soundly trounced by the county at large. He is now threatening to contest in the courts the provision of the charter providing for the election-at-large. This provision was chosen as an alternative by the electorate at the time of the adoption of the charter. The other supervisor who will not return declined to run in the primary, contending that the decision unseating him for failure to file a bond was illegal and he was entitled to remain on the board for two years longer. The new majority will probably include a former county engineer who was removed without cause or charges by the present board. Sixty-seven per cent of the voters went to the polls and expressed their indignation against the majority of the board then in office. This change in personnel of the board will assure a general shakeup in the appointive county officers and will undoubtedly mean that a new county executive will be named.

Sacramento has amended its charter to provide for a merit system for all appointive officers and employees. There is a movement on foot in San Mateo to bring about the same result. The November state ballot carries a proposition requiring all counties and cities over one thousand population and not having civil service provisions in their charters to establish the same immediately and blanket in all present appointive officers and employees.

CHANGE IN TAXING SYSTEM

An analysis of the fiscal conditions of California counties at this time would be very complex and the results of the study inconclusive. Studies being made currently for the proposed budgets of all counties for the fiscal year 1936-37 avoid any real comparison of either assessed valuations, tax rates, or certain special items which may fluctuate annually. California changed its taxing system in 1934 and returned the valuation of utility property to the local assessment rolls. All real property is now equalized throughout the state, which was not true prior to last year. A limit of 5 per cent was placed upon the annual increase of the state, county, municipal, and school budgets for recurring expenditures. Extraordinary expenditures may exceed this limitation with permission of the State Board of Equalization. A study of the transition period of special permits of this board would make an interesting analysis in itself. Naturally, there have been many changes in the assessed valuations and tax rates but the real tax comparison is still dependent upon levies rather than upon rates.

Other recent changes in county operations have affected the complexion of county finances. Many thousands of miles of county roads have been taken into the state highway system. The motor fuel tax distribution and the tax-

ation of automobiles as personal property have been revised. Salary readjustments are being made after the period of depression retrenchment. The relief burdens have varied greatly with the movement of transient population and changes in federal and local funds. Provisions of aid for the aged are undergoing radical readjustment under the influence of the federal social security act and statutes of the last state legislature. These functional readjustments will settle down shortly and expenditures measured popularly by tax rates will again become approximately comparable. The expenditures for schools in most counties, entirely outside the discretion of the county board of supervisors but included within the tax levy, have risen constantly and account for the largest increase in costs of county government. With the readjustment of assessed valuations, Sacramento went down while San Mateo went up in total. Both counties have increased their expenditures but at the same time both have reduced their tax rates. There can be no reasonable doubt but that the methods of management in both counties have improved and shown a considerable over-all saving in costs of government to the people.

MOVEMENTS AFFECTING GROWTH OF MANAGER PLAN

There are several movements or conditions within the state which might affect the adoption of the county executive plan favorably or unfavorably. The foremost is the plan of the Committee on Governmental Simplification of Los Angeles County which is receiving much favorable comment in many directions.[4] This report is an elaborate and, from the standpoint of scientific research, excellent study of the functional operations of every one of the 454 taxing units within the county. It is interesting to note in passing that no two of the forty-four municipalities within the county are alike in either their structure or functional operations, yet all operate under the same laws. A complete series of functional charts for these cities is presented in the report and is invaluable to the student of local government. It must be noted that the County of Los Angeles differs largely from other counties in many respects. Being a highly urbanized area, yet the leading agricultural county of the country, it is called upon to perform highly technical municipal functions for its unincorporated area. This county performs 784 functions, or more than any other county in the country.[5] The state of California is at present performing only 420 functions.[6] The committee studied various plans which have been proposed elsewhere for political unit consolidation or coördination and discarded them immediately in favor of some form of functional consolidation. The voters of the county were already familiar with contractual services between the county and municipalities. They had recently formed the Metropolitan Water District to bring water from the Colorado River. Some thirty-six cities contract with the county for health services, thirty-five contract for the assessment and collection of taxes, library service is performed by the county for many cities and unincorporated areas, and planning for the entire area is done by the Regional Planning Commission with the coöperation of the municipal councils. These contractual arrangements recog-

[4]Report of Committee on Governmental Simplification, Los Angeles, 1935, pp. 219, mimeographed.

[5]Growth of County Functions, 1852-1934, Los Angeles County Bureau of Efficiency, 1936, pp. 136, mimeographed.

[6]Peirce, John M. "420 State Activities," *Tax Digest* 14:8, August 1936, pp. 260-261, 281-286.

nize the principle that there is a common problem to be solved regardless of political units and it is best to work collectively upon it. Economic and social considerations dictate a continuation and enlargement of this principle of contractual relationships. The Los Angeles metropolitan area is unique in that it is almost entirely within one county. Again, this area may be seen at one glance from several vantage points. It would seem to the observer an easy matter to satisfy the wants of all the people stretched out on the plain below him by the creation of a single government. Naturally, he cannot see clearly the different jurisdictional lines of the governments. He can comprehend, if he has ever discussed the wiping out of one of these lines, the legal and provincial obstacles involved. It was with these points in mind that the Committee on Governmental Simplification adopted a functional consolidation plan. This principle means the delegation by one political unit to another larger unit (the county) the performance of a specific service function, usually for a consideration under some contractual arrangement. The system proposed preserves the political autonomy of the existing municipalities and at the same time recognizes the necessity of forming other units in the thickly settled unincorporated areas for the performance of these municipal services. It eliminates all possibility of political unit consolidation with, or coercion from, the central government.

OPTION TAKES TWO FORMS

The option presented takes two forms: First, with respect to the action by existing units of government and, second, with respect to such portions of the proposed plan which they may wish to choose immediately, if at all. The plan may be adopted without commitment on the part of a locality for services of any sort. Each community is left to contract in whole or in part, or not at all, at its discretion. Thus the plan recognizes the metropolitan area as a unit, the desirability of the preservation of local autonomy, and the permissive rather than mandatory acceptance of central government services.

The governmental structure to be erected consists of two parts. First, a centralized metropolitan or county government consisting of the following: a single legislative policy-determining body of fifteen members elected by proportional representation for a term of four years, and having no administrative powers or duties as is now true of county boards of supervisors; a chief administrative officer or county executive appointed by the governing body for an indefinite term, who is to be the chief contact between the governing body and the administrative departments; and the necessary administrative departments for all services. Secondly, there would be the local governments, as at present with additions, each consisting of a single legislative policy-determining body, a clerical officer, but no administrative departments or officers once it had contracted its services for particular functions to the central government. This local legislature would continue to represent its local constituents and determine what it would like to have the central government do and when it would do it. The central government would perform a basic standard service uniformly over the entire contractual area. The local community, however, accustomed to or desiring additional service, would determine what additional service it needed and could provide for an additional tax levy within the local unit to provide for its desires. With the increased use of combined governmental units into some form of "authority" to undertake a common service, this plan

of the Simplification Committee should commend itself to other metropolitan areas. It is described here particularly because it applies to the problems of a single county in an area which is rapidly expanding in population, governments, and industrial plants.

After the filing of the report of the Committee on Simplification, the board of supervisors requested that this committee coöperate with a similar committee created by the City of Los Angeles in an endeavor to reconcile their two reports and bring in final recommendations for the board to submit to the people. A joint report has now been submitted which recommends briefly:

1. The creation of a county manager to have complete charge and control of all administrative functions of the county. This includes a complete separation of the board of supervisors from participating in administrative activities and carries the usual penal clause for interference with the manager or his subordinates.

2. The adoption of a complete and modern fiscal program for the county to which is attached the department of budget and research (formerly the bureau of efficiency) and the separation of auditing from control functions and the creation of the office of controller.

3. The director of civil service is made an independent personnel officer answerable to the county manager. The civil service commission becomes a policy-determining and judicial body for appeals from removal.

4. A proposal is made to relieve the cities in the county of the obligation to share in taxes for the payment of any costs for functional service that they do not receive directly from the county. Tax districts would be created to finance such services.

The first three proposals are substantially those made by the County Committee on Simplification. The fourth is an attempt to avoid the contractual arrangement, in part at least, between the cities and the county which the Simplification Committee proposed and which has worked reasonably well for many years in assessing and collecting taxes, health, planning, and library service.

Other parts of the state are following the system of county-city contractual operations. Several counties have arranged inter-county operations for certain functions, notably hospitals. The state is rapidly centralizing the highway system, social welfare operations, law enforcement, finance, health, employment and education. The movement for the consolidation of counties, so active in the newspapers for a few years, has apparently died down. The studies which were made of such plans failed to show any appreciable amount of savings or more efficient operation of the governmental machinery. Doubtless, there are too many small counties in California but sectional pride or geographical barriers preclude this plan as a solution of alleged difficulties of county government. The suggested metropolitan area consolidations have also been quiet since the report of the Simplification Committee in Los Angeles and the building of the two bay bridges in San Francisco.

NEW FRIENDS FOR COUNTY EXECUTIVE PLAN

California counties are in an unsettled condition from financial readjustments, state-wide investigations, local unrest against political management, state centralization of functions, plans for consolidation, and charter proposals. The transition is interesting and events are moving more rapidly today than at any time in the past. The county executive plan has gained friends in the people and in the press. There is even a serious proposal being discussed to reorganize the state government

by providing a business executive to handle the administrative and fiscal operations of the government. California is upholding its traditional reputation for progressiveness in governmental matters.

NEW YORK

MONROE County, exceeded in population only by the counties of Erie and Westchester, and by Greater New York, exceeded in total assessed property valuation only by Erie, Westchester and Nassau counties, and Greater New York, is the first county in New York State to adopt the county manager form.

Supervisors of the county in 1934 appointed a charter commission under the Fearon charter law, but in 1935, after the charter submitted had lain dormant for eight months, elected to act under Plan B of the Buckley law. No citizen organization sponsored the change, but a campaign of newspaper education was conducted and petitions were circulated by the Democratic county organization, which then was in control of the board of supervisors. The voters by a sufficient majority accepted the plan but at the same time elected a Republican majority in the board of supervisors. The plan therefore is being put into effect under a political leadership which did not sponsor it, but which did not oppose it.

The city of Rochester contains more than 75 per cent of the county's inhabitants, and more than 80 per cent of the county's total assessed property valuation. A substantial majority for the plan was rolled up in the city but the vote in the nineteen towns was close. Residents of the city were favorably disposed toward the plan since the city had been operated under the manager plan since 1928.

The manager, Clarence Smith, was experienced in county affairs, having served more than thirty-five years in various capacities. He had been for many years clerk of the board of supervisors, and though a Republican, had been named first county auditor by a Democratic board. He was out of office at the time of his appointment, however.

Under his direction the county departments hitherto conducted by elective officers are being reorganized. The constitutional offices of sheriff, district attorney and county clerk, and the statutory office of coroner have been untouched by the change, but the elective offices of county treasurer, county purchasing agent, county auditor, county welfare commissioner and the appointive offices of county road superintendent, county maintenance director, court house superintendent and the separate park and planning commissions have been absorbed in the new set-up.

MANAGER BECAME FINANCE DIRECTOR

As permitted by the act, the manager assumed the office of finance director, superseding the county treasurer, auditor and purchasing agent. The department of finance has been reorganized under his direction with divisions of the treasury, budget and accounts, purchase, and personnel.

The county treasurer, whose term did not expire until next October, died. His widow was appointed by the Governor to fill out his unexpired term, but resigned in face of public comment that no duties remained. The auditor, a well known banker of standing, was removed but at the head of the substitute division of budget and accounts the manager placed a former attaché of the bureau of municipal research who had assisted in installing the auditing system.

The veteran county engineer, known to be qualified and competent, has been

named director of public works. In his department are divisions of highways, the directorship of which he continues to hold, and the division of buildings, maintenance and construction, directed by the former independent maintenance director and absorbing the former appointive court house superintendency. The public works department also has absorbed the functions of the county regional planning board, but the former secretary of the board is now director of planning, and in place of the citizen planning board the planning committee of the board of supervisors will act in an advisory capacity.

INDEPENDENT PARK BOARD ABOLISHED

The former independent county park board has been abolished and its functions absorbed by a new division in the department of public welfare. The park committee of the board of supervisors replaces the former citizen board as an advisory park body. The elective welfare commissioner holds over until January 1. The manager named a new deputy commissioner and after January 1 will name the head of the department.

No efforts have been made to establish a county health department. The outgoing Democratic supervisors set up a county board of health under the public health law, but its action brought public protest, the new board appropriated no funds for the new health board and its status now is in litigation. Management of the county tuberculosis sanatorium by an independent citizen board could be changed under the law, but present plans contemplate its continuance. The board appoints the sanatorium superintendent.

Suits brought by the holdover county treasurer, auditor and deputy welfare commissioner to prevent reassignment of their duties under the terms of the act were dismissed by the Court of Appeals. A taxpayer's suit contesting the constitutionality of the Buckley act on the ground that administrative powers of the board of supervisors were improperly transferred to the manager, is in the Supreme Court and will be carried to the Court of Appeals.

Substantial economies are expected from the replacement of former elective officers by lower paid appointed subordinates, but since, except in the case of the treasurer, these officers and their salaries continue until January 1, these economies cannot be realized in the first year.

The grouping of all fiscal operations into one department and the consolidation of all public works functions under a professional head are expected to increase economy and efficiency of operation. This set-up was completed on September 1 of this year so that its results cannot be appraised.

The people of the county have adopted a waiting attitude on the plan. So far no serious criticisms have been made and no reports of results have been possible. The county has many acute problems. One of the chief of these is the existence of 430 special improvement districts in suburban towns with a bonded indebtedness exceeding $15,000,000.

COUNTY ASSUMES TAX DEFICITS

Most of these districts are undeveloped and the county under the Court of Appeals Amherst decision has had to assume their annual tax and assessment deficits. The county's tax revenue debt as a result of this delinquency has been estimated by the bureau of municipal research to amount on December 31, 1936, to $3,780,000, with a possibility that it may mount close to ten million dollars by 1949.

A citizen committee appointed by the city manager has studied the situa-

(Continued on Page 595)

New York's Struggle for County Home Rule

After a quarter of a millenium the door to improved county government has been forced open through constitutional amendment

SEABURY C. MASTICK

Chairman, New York State Commission for the Revision of the Tax Laws

THERE have been but two fundamental changes in local government in the state of New York, the first when the seventeen towns mentioned in 1664 in the Duke of York's laws, with other territory, were incorporated into the ten original counties on November 1, 1683 and the other when the constitutional amendment providing for county home rule was adopted in the election of November 5, 1935. During this period of 252 years the number of towns has grown from seventeen to 935 and the number of counties from ten to sixty-two, the population has grown from ten thousand to nearly thirteen millions and the wealth has grown from beaver skins and Indian corn to figures which would make the fabulous riches of Sindbad the Sailor look like the window of a five and ten cent store. And yet during this whole period of a quarter of a millenium the fundamental structure of town and county government has remained the same in spite of the increase in numbers of governmental units, increase in population and wealth and the requirements of a complex civilization.

While this fundamental structure of both town and county government may still meet the requirements of those units of small population and simple needs, it no longer fits the requirements of those units where the population has changed from rural to industrial with the consequent increase in expense and complicated mode of living.

The Duke of York's laws related almost entirely to the administering of justice and it was not until additional functions began to be given to the counties that any question of a different form of organization naturally arose.

One pattern of government for all towns of all sizes and conditions and one pattern of government for all counties having fundamentally diverse interests is no longer satisfactory. While there is an obvious advantage in uniformity in government there is also an obvious advantage in fitting the government to the particular requirements of the respective units of government.

Since becoming a state, New York has been governed under four constitutions, adopted in 1777, 1821, 1846 and 1894 respectively. The first state constitution made few changes in the provincial system other than those necessary to establish it on a popular basis, but the powers of the governor were curtailed, especially his powers of appointment and veto. These limitations worked unsatisfactorily and their removal or modification were among the principle changes effected in 1821. Under the first constitution the decen-

tralization of administration, which began early in the colonial era, continued without interruption, and under the second it was checked by a few measures only. Under the constitution of 1821 a great number of local officers were appointed by the governor with the advice and consent of the senate. The choice of most of these was transferred to the people in 1846. Under this constitution the theory of local self-government was more fully realized in New York than at any other time up to the adoption of the 1935 constitutional amendment. The constitution of 1894 made important changes in the judiciary and in the government of cities but made little change with relation to local self-government.

It was not until the constitutional convention of 1915 that the need of change, especially as to county government, found full expression.

The problem with which the constitutional convention had to deal was one which had been growing in complexity for two and a half centuries but which had become increasingly important and complicated during the last half century. Since this constitutional convention the problem has been increasing in importance at a constantly accelerating rate.

TANGLE OF JURISDICTIONS

Let us outline this problem so as to show in a measure the tangle of jurisdictions then and now existing and the number of officials required to administer the various forms of government.

There are fifty-seven counties outside New York City, each county having the usual constitutional officers of county judge, county clerk, district attorney and sheriff. In addition some of them have a surrogate and all of them have a county commissioner of welfare and a county treasurer together with the various deputies required to carry out the duties of the respective offices. However, this is not a complete enumeration. Each of the counties is divided into towns and there are 935 towns, each of them having a supervisor, from two to four justices of the peace, one to three assessors, a town clerk, a tax collector, a superintendent of highways and other minor officials. Each of the towns is divided into school districts and there are approximately eight thousand of these, each with one to three trustees, a clerk, a treasurer and a tax collector. In addition to these units of government there are 554 villages with their complements of officials, and fifty-nine cities, the village partaking of a dual town and village form of government while the cities are independent of the town government. Overlapping these jurisdictions, especially in those adjacent to the cities, there are more than twenty-five hundred special districts providing for light, water, fire, sidewalks, garbage and similar functions, generally governed by a board. In many cases the boundaries of one district, whether school or special district, overlap those of another.

This complexity of government, together with the multitude of elected and appointed officials, attracted more and more attention to the necessity of devising some more efficient form of government where real responsibility could be lodged for the functions to be performed.

In spite of the growing realization of the necessity for some change it has taken 269 years from the date of the first modification of the fundamental plan of local government to the opening of the door for any desired change by an adopted constitutional amendment. This first modification was made in 1666, two years after the promulgation of the Duke of York's laws, when the original set-up of one constable

(supervisor?) and eight overseers (justices of the peace?) constituting the town board, was changed to one constable and four overseers, an arrangement which persists with only change of name to this day. At the other end of this long period is the constitutional amendment adopted in 1935 giving the counties the right to prescribe their own form of government.

It is not to be implied that in the interval between these two dates nothing was done or that no agitation for change was made. It is not possible to go into all of the details of suggested changes which have been made over the years. Some of the high spots only can be noted and the rate of accelerating interest emphasized to show the growth of public opinion in this matter up to its culmination in 1935.

Let us begin with the constitutional convention of 1915 which took up the revision of the constitution of 1894 to which reference has been made.

STATEMENT OF PROBLEM

In the proceedings of the convention the following statement of the problem was made: "The proposition which was presented to the committee on county government was how to provide for the most populous counties in the state a better system of administration and at the same time not disturb the great bulk of the counties, which desire no change. The chief difficulty, the chief fault which is found with the largest counties of the state is that the county government does not work well in its administrative features. While with the legislative features of it there has been some fault, yet on the administrative side there has been a great deal of fault found. Now, this measure before us does not disturb the so-called constitutional officers, that is to say, the district attorney, sheriff, county clerk, or the judiciary. It does not affect the supervisor as a town officer; it does not seek to provide any iron-clad plan or plans for a different form of government. It simply aims to confer upon the legislature power to work out for counties, some plans or plan of government which shall not be arbitrarily imposed upon the counties, but which shall be imposed on counties only in case the electorate vote to accept such plan of government."

And it was proposed that the solution be met as follows: First, that the legislature should be required by the constitution to provide optional plans of county government, any one of which any county might adopt by a vote of the people; second, that the legislature should in such plans confer upon the board of supervisors or other governing body in such county such powers of local legislation as the legislature might deem expedient; third, that the constitution should require that no such plan of government should be imposed on any county until approved by the electors thereof, and that no amendment to any plan of government should affect any county which had previously adopted such plan unless such amendment was accepted by such county, or unless such amendment related to some state function; fourth, that the constitution should require that all laws relating to the government of counties should be general both in terms and in effect except that special or local laws relating to such government might be passed, but should take effect only on approval of the county affected.

PROPOSALS NOT ACCEPTED

While these proposals in the light of the present seem eminently reasonable, nevertheless they were not accepted by the people when submitted to them for approval. It should, however, be

noted that this proposal was not submitted alone but accompanied by many other suggestions so that the refusal to adopt the county government amendment may not have been due solely to opposition to this proposal.

The next official notice of the problem is found in a report of the Special Joint Committee on Taxation and Retrenchment submitted to the legislature April 1, 1920. Members of this committee made a special report on retrenchment in city and county government and in the section on county government brought out again the same points referred to in the constitutional convention and made similar recommendations. They again recognized that county government was one thing in urban counties and quite another in purely rural counties and stated that: "The old system of county government has broken down entirely in the purely urban counties, and leading citizens and civic bodies in those counties are already actively urging corrective legislation. In the purely rural counties the present county government is functioning satisfactorily, and consequently there is very little sentiment for a change. The mixed counties, (Albany, Monroe and Oneida), however, are in a most unhappy state. In them the old county system is slowly cracking under the tremendous and rapidly growing administrative burdens created by the rapid development of these counties." The committee came to the following conclusions:

"1. That governmental needs of the counties of this state vary so greatly as between semi-urban sections and the purely rural sections that a single form of county government cannot be applied successfully to all the counties of the state. A system which meets the needs of Westchester, Nassau and Erie counties, will be far from satisfactory for Clinton and Schoharie counties, while the reverse must be even less satisfactory. The natural variety of the counties demands similar elasticity in their governmental organization.

"2. Under the present provisions of the state constitution a satisfactory reorganization of county government to meet the needs of the urban counties is impossible."

However, again nothing happened so far as any legislative or constitutional action was concerned.

It was not until 1932 that the question of local government reorganization again came to the fore. The Temporary State Commission to Recommend a Revision of the Tax Laws, appointed in 1930, soon discovered that any retrenchment of expense was necessarily accompanied by a reorganization of local government and in 1932 its powers were extended to consider the problem of local government reorganization.

ECONOMY THROUGH REORGANIZATION

In its third report submitted to the legislature Feb. 15, 1933, the commission considered the question of economy through reorganization of local government and criticized the existing system, its criticisms being substantially in line with those made in the constitutional convention of 1915 and in the report of 1920. It recognized that the unsatisfactory conditions which had existed for such a long period of time needed change to make it possible that each community—whether county, town, city or village—might be able to develop for itself, without handicaps handed down from the years gone by, the form of government which it most desired and which was most suited to its own conditions.

In this third report of 1933 among other bills submitted to the legislature by the commission was one providing for a new optional form of county government which could be adopted by any

county within the limits of the then existing constitutional provisions. These optional forms, in short, provided for a county executive or county manager, either elective or appointive, and for the establishment of certain departments within the county among which the county functions were to be distributed. It made no change in the town government or in any of the so-called constitutional officers including the board of supervisors.

The commission further caused to be introduced in the legislature of 1933 a proposed constitutional amendment relating to local government, substantially in the form adopted by the people in 1935.

The bill providing for optional forms of county government was not favorably considered by the legislature. Neither was the proposed constitutional amendment favorably considered.

The commission continued its agitation for local government reorganization and for a constitutional amendment in its fourth report submitted February 15, 1934 and re-submitted in connection with its report of that year its proposed bill with reference to optional forms of county government and the proposed amendment to the constitution.

For a second time neither of these proposals was accepted by the regular session of the legislature although in the extraordinary session of 1934 the proposed constitutional amendment as prepared by the commission and submitted by its chairman who was then a member of the senate, was finally adopted.

The commission still persisted in its effort to provide for a new optional form of government and re-introduced its bill for a third time in 1935. This time the bill was passed. But one county, Monroe, has taken advantage of the provisions of this bill and it is yet too early to make any definite conclusions.

The constitutional amendment was, in accordance with the constitution, passed a second time by the legislature of 1935 and was voted on at the November election of that year when it was carried by a very large majority, going into effect on January 1, 1936.

The commission, in the legislature of 1936, submitted a proposed form of optional charter for the counties but its bill was not adopted, another one being substituted in its place which does not go as far as the commission bill. In accordance with the provisions of the new constitutional amendment any county may submit its own charter as one of the optional forms and several counties have such charters in course of preparation. Two of such charters were submitted in the session of 1936 for Erie and Nassau counties. The Erie county charter was not passed but the Nassau county charter was passed and is to be submitted to the electorate in the November election of 1936.

STRUGGLE ENTERS NEW PHASE

The amendment of 1935 opens the door wide for county home rule. But no law and no constitutional amendment is self-executing. It will take time to convince the electorate of the respective counties that any proposed change is desirable. If the permission granted by the amendment is to be taken advantage of, a continuous and sustained interest must be maintained to work out patiently the final solution of the problem. It has taken many years to reach the result now attained but it is hoped that from now on progress will be more rapid and that the complexities of local government may resolve themselves into an orderly and consistent system which will give an efficient and economical government to all the communities of the state.

A Physician Examines the Coroner

The diagnosis shows a feeble and ineffective office holder whose life should not be prolonged

OSCAR T. SCHULTZ, M.D. *Chairman, Committee on Medicolegal Problems, Institute of Medicine, Chicago*

SKEPTICISM of the character of the work of the coroner's office has led to many local studies of the office. The earliest of these led to the abolition of the office in Massachusetts in 1877. In 1911-12 a joint committee of five physicians named by the Cleveland Academy of Medicine and five lawyers named by the Cleveland Bar Association made a study of the coroner's office of Cuyahoga County, Ohio.[1] [2] Among the most important findings that later surveys elsewhere proved to have a fundamental and general bearing were: failure to adapt the laws relating to the office to contemporary conditions; lack of clear definition of the jurisdiction and authority of the coroner; inadequate performance of the technical medical and magisterial duties of the office; and lack of coöperation with other agencies of judicial administration. A later investigation[3] of the same office reiterated the faults uncovered by the earlier survey and noted that no improvement whatever had occurred in the intervening period of ten years.

The consolidation of territory contiguous to Manhattan into the Greater City of New York led to intolerable conditions in so far as the office of coroner was concerned because a number of coroners had jurisdiction in the metropolitan area. In 1915 the commissioner of accounts presented the results of a survey[4] of the office. The inquiry was a searching one and the denunciation of the office was scathing. Malfeasance, incompetence, inefficiency, extortion, and petty graft are harsh terms but they were freely used.

A study of the coroner's office as it functions in Missouri[5] published in 1926 (important because it included not only the office in populous St. Louis County, but also that of rural counties) reiterated findings of the New York investigation and those in other communities. The National Research Council's bulletin[6] of 1928 included

[1] "The Coroner's Office," Efficiency Series, Report No. 2, The Municipal Association of Cleveland, 1912.

[2] Schultz, Oscar, T., "The Coroner's Office," Publication No. 713, Am. Acad. Polit. and Social Science, Philadelphia, May, 1913. Also in *County Government*, p. 112. Am. Acad. Polit. and Soc. Science, Philadelphia, 1913.

[3] Adler, Herman N., "Medical Science and Criminal Justice," Part V, Cleveland Foundation Survey of Criminal Justice in Cleveland, 1921.

[4] Wallstein, Leonard M., "Report on Special Examination of the Accounts and Methods of the Office of Coroner in the City of New York," City of New York, 1915.

[5] Moley, Raymond, "The Sheriff and Coroner," Part II of the Missouri Crime Survey published for the Missouri Association for Criminal Justice, Macmillan Company, New York City, 1926.

[6] Schultz, Oscar T. and Morgan, E. M., "The Coroner and the Medical Examiner," Bull. No. 64, National Research Council, Washington, D. C., 1928.

studies of the coroner's office in Chicago, New Orleans and San Francisco, these cities having been selected as representative of more populous jurisdictions of the central, southern and western sections of the country. In each locality the local survey was made by a local physician and an attorney-at-law, who submitted their reports to Dr. Oscar T. Schultz and Prof. E. M. Morgan acting for the National Research Council's committee on medicolegal problems. Condemnatory findings approached a state of monotony. The findings were succinctly summarized as follows: "Our own investigation into the conduct of the coroner's office in the communities selected for study, as well as the previous reports from other localities, gives clear evidence that even under the best of conditions the work demanded of the coroner is improperly done. The faults are inherent in the system, and are not necessarily those of the individual who may happen to function as coroner. The satisfactory coroner is such in spite of, and not because of the system under which he works; if to the faults inherent in the system are added those of an inefficient official, then the results are lamentable and subversive of justice."

CORONER'S OFFICE ANACRONISTIC

The first of a number of recommendations made was that the office of coroner be abolished as an anachronistic institution which had conclusively demonstrated its incapacity to perform the functions customarily required of it.

In a study of the general medicolegal situation in the United States,[7] undertaken for the National Research Council and published in 1932, it was necessary once again to devote attention to the coroner's office, more particularly from the viewpoint of determining how that office fits into the general medicolegal system and whether it has any features that might permit its adaptation to an improved system of medicolegal procedure. The records of the coroners' offices of Chicago, Cleveland and Philadelphia were examined and a thorough personal survey of conditions in Hamilton County (Cincinnati), Ohio, was made at the request of the local coroner and of a group of civic organizations interested in better government. It was the same old story of ineffectiveness and inefficiency repeated in the same old way in the case of those localities not previously surveyed, and with absolutely no improvement in those jurisdictions that had previously been examined.

IMPROVEMENT IN TWO CITIES

It is only fair to record that improvement has occurred in very recent years in San Francisco and Cincinnati. In January 1932 there became effective in San Francisco County a new home-rule charter under which the coroner became an appointive official, serving for life or during good behavior. In the 1932 study of the medicolegal situation in that county it was predicted that removal of the coroner from the group of elective county officials would lead to better functioning of the office. The greatly improved conditions that now obtain in that office have recently been described by Dr. Jesse L. Carr.[8] Facilities for microscopic work have been provided, the records and filing system of the office have been greatly improved, the medical work is of high quality, and the working arrangement with the medical school of the University of California

[7]Schultz, Oscar T., "Possibilities and Need for Development of Legal Medicine in the United States." With a supplement on "University Departments in the Field of Criminology," Bull. No. 87, National Research Council, Washington, D. C., 1932.

[8]Carr, Jesse L., "The Coroner's System," *Calif. and Western Med.*, 43:274, October, 1935.

is advantageous to the public service of the coroner's office and to the teaching of legal medicine in the university. The coroner's office of San Francisco has become an outstanding example of the improvement that can be brought about in an old system under a modernized form of county government.

Revision of the laws under which the coroner must function and abolition of the coroner's jury would thoroughly modernize the coroner's office of San Francisco. But whether it ought then still be called a coroner's office may be questioned. The coroner would, in effect, be a medical examiner, even if his title remained unchanged. In several respects the San Francisco office still falls short of the ideal system.[9]

MEDICAL SCHOOL COÖPERATES

The survey of Cincinnati revealed improvements made and contemplated that resulted from an awakened civic conscience, which had had a salutary effect upon city and county offices. The newly elected coroner was a physician who was not a politician and who had been drafted for public service. Under an Ohio statute applying only to the two most populous counties of the state, he appointed as coroner's pathologist a junior member of the department of pathology of the University of Cincinnati. The county commissioners closed the coroner's morgue in the county building and designated the morgue of the Cincinnati General Hospital, which is the teaching hospital of the university, the official coroner's morgue. The head of the department of pathology is consultant to the coroner. The close coöperation of the university medical school and hospital with the coroner's office has brought about greatly improved conditions. But the coroner must still operate under antiquated laws and he is still an elective official. The present coroner cannot be expected to sacrifice his professional career for a minor political office. The election of the usual politician type of coroner might quickly undo the good work of the past four or five years. It is to be noted in passing that the present efficient coroner of Hamilton County is a strong advocate of abolition of the office.

CAUSES OF INEFFECTIVENESS

The reasons for the ineffectiveness of the present coroner's system are bound up with the early history of the office. It is English in origin, dating back certainly to 1194 and probably to the time of Henry I. In those early days knighthood and the ownership of real property were prerequisites for holding the office. Later the qualification of knighthood was deleted. Still later and today the English coroner must be a qualified barrister or physician. Originally elective, the office is now appointive, the tenure being for life or during good behavior. The coroner is eligible for pension after five years of service.

Although the English system has the favorable factor of appointment, indefinite tenure, professional qualifications, and pension, the office is held to be not effective by many English authorities, and from time to time abolition of the office is proposed in Parliament. Even without official abolition the office is passing into obsolescence. In discussing this matter Bruce Smith has stated: "Equally important has been the provision of technical advisers skilled in legal medicine by the Home Office to the local police forces throughout England and Wales."[10] There is thus a tendency to ignore the coroner

[9]Schultz, Oscar T., "Why the Medical Examiner, Instead of the Coroner?" *Calif. and Western Med.*, 43:275, October, 1935.

[10]Smith, Bruce, "Rural Crime Control," Institute of Public Administration, Columbia University, New York, 1933, p. 204.

and to refer local medicolegal problems directly to the Home Office.

It was the old English office of rural county coroner with which our forebears were familiar and which they transplanted when they emigrated to this country. From the original colonies the office was transferred to the political subdivisions later established.

The laws relating to the English coroner have been revised from time to time. That has not been the case in this country. Usually adopted at the time a state or territory was organized, the laws relating to the coroner have remained basically unchanged. In the meantime a rural civilization has become largely urban, a change that has brought with it the difficult problems of organized crime engendered by congestion of population. A fundamental fault of the American coroner system is the failure to revise laws to meet contemporary conditions.

The elective character of the office, its short tenure, and its minor significance in many jurisdictions are further causes of ineffectiveness. In rural counties the office often goes to anyone who can be persuaded to accept it. Since it is the undertaker's business to handle dead bodies, the rural coroner is often an undertaker, a state of affairs that has been severely critized by Moley.[11] Even in large cities the coroner's office is usually a plum that goes to some petty adherent of the dominating political machine and one who lacks the robustness of political immorality that may characterize the holders of more important offices.

DUTIES IN TWO FIELDS

In most states no qualifications are required of the coroner other than that he be a resident of the county. Duties in two highly technical and different fields fall into the province of an official who may have no ability in or knowledge of either. The duties are in part medical and in part legal or magisterial. It is the function of the coroner in his medical capacity to determine the causes and circumstances of certain kinds of deaths. Determination of the cause of death requires the skill of the trained pathologist. When a medicolegal question is involved, administration of justice should accept nothing less than the highest possible scientific accuracy of a pathologist trained in this special field. He should know not only pathology, but should have facilities for toxicologic, bateriologic and serologic examinations when these are necessary to determine a cause of death. The average coroner or coroner's physician has neither the ability properly to perform a medicolegal postmortem examination nor the facilities for scientific work. The result is medical records that have no legal value as evidence or scientific value as medical documents.

The magisterial duties of the coroner consist in the holding of an inquest or inquiry into the circumstances surrounding death when criminal or negligent responsibility may be involved. He may examine witnesses and in many states may subpoena them or hold them for the grand jury. The importance of such an investigation is not to be denied, but it should be carried on by trained police investigators and not by one who has so little knowledge of the conduct of a quasi-judicial procedure or of criminal investigation as the average coroner.

Many states require that the inquest be held in the presence of a coroner's jury. Under the English system the right to trial by jury is looked upon as the most important bulwark of individual liberty. The coroner's jury

[11]Moley, Raymond, "The Sheriff and Coroner," *ibid.*

can usually do no more than transmit its findings or make recommendations to some other agency of justice. It does nothing that must not be done again by prosecutor, police, or grand jury. The necessary investigation can be made much better by these agencies and should be made by them from the very beginning, before the coroner and his jury have had an opportunity to muddle things. The jury inquest, judged by its results, is in general useless and often pernicious. It has been said that the jury acts as a check on the coroner. What usually happens is that an inefficient coroner is balanced by an unintelligent jury, a condition that would not seem to be of much value in the safeguarding of liberty. Justice is more equably meted out and liberty less jeopardized under a system that makes use of neither coroner nor coroner's jury.

GOVERNMENTAL SCRUTINY NECESSARY

In all but a few backward sections of the country government requires the registration of all births and deaths. A properly qualified person, who has been in attendance before death, must furnish the death certificate. The health department or the bureau of vital statistics has the right to refuse to accept the certificate if the latter does not conform to accepted nomenclature or if there is anything to arouse suspicion. There are other deaths in which government denies the physician the right to sign a death certificate and another group in which he cannot honestly supply the data necessary for a legal death certificate. Those instances in which a physician may not sign the death certificate are the deaths due to violence. And those in which he cannot supply a proper certificate are the deaths of persons who have not been attended by a physician or other licensed practitioner prior to or at the time of death.

VIOLENT DEATHS

The underlying principle back of official investigation of violent deaths is the determination of criminal or negligent responsibility. No one will deny the authority of government to take cognizance of every death in which there may be a suspicion of criminal homicide. The necessity for investigation is evident since the entire question of criminal responsibility may hinge upon determination of the cause of death. A decision upon this point cannot be reached without medical examination performed in such manner as to leave no question of its scientific character. When death is apparently due to suicide, investigation is necessary. A supposedly suicidal death may be the result of the act of another or it may be due to criminal negligence. When death follows abortion or miscarriage, this fact must be determined since the abortion may have been criminally induced.

When death has been brought about by casualty, matters are not quite so clear. By statute in most states such deaths are subjected to investigation. In a few states investigation is required by statute but a coroner's inquest is prohibited. The possibility of criminal negligence or the adjudication of claims under workmen's compensation acts or accident insurance contracts makes scientific investigation of such deaths by an impartial agency desirable.

SUDDEN DEATH DUE TO NATURAL CAUSES

It is in deaths that occur suddenly without evident suspicious circumstances and when a physician has not been in attendance upon the deceased prior to or at the time of death that the authority and duties of the coroner are least clear. By usage, if not by statutory warrant, such deaths are usually referred to the coroner. The reason for such a procedure is evident. Suspicious

circumstances may have been overlooked or hidden. Even if there are no such circumstances, a physician who may be called while the patient is dying or has already died cannot state the cause of death for the purpose of issuing a death certificate. Upon what is often the most cursory examination and questioning the coroner may authorize the physician who may have been called to sign a death certificate or he may refer the case to the bureau of vital statistics or he may himself authorize the issuance of a death certificate. In any event the ultimate responsibility falls upon an agency of government. If the determination of the cause of death is not to be a matter of guesswork, post-mortem examination is necessary. If such examination reveals a non-violent cause of death, further investigation is unnecessary and the entire problem has been one of medical examination and not of any sort of magisterial activity.

PROPORTION OF DEATHS REQUIRING INVESTIGATION

The 1932 study[12] included a statistical analysis and tabulation of a year's work of the three medical examiner offices of New York City, Suffolk County (Boston), Massachusetts and Essex County (Newark), New Jersey; and the three coroners' offices of Cook County (Chicago), Illinois, Philadelphia, and Hamilton County (Cincinnati), Ohio. In Cook County a court decision has greatly curtailed the coroner's authority in the investigation of death due to natural causes and limited the work of this office to violent deaths. The figures for this jurisdiction do not therefore truly reflect conditions as they exist elsewhere.

In the remaining five jurisdictions the total deaths referred to the governmental agency of the coroner or medical examiner was 12 to 20.9 per cent of all the deaths that occurred in the five political units. The average of 17.7 per cent is not a negligible factor in the vital statistics of any community. Of the deaths referred for investigation, 37.6 to 56.7 per cent (average 46.2 per cent) were classified as violent. Homicide accounted for 1.6 to 6.5 per cent (average 3.4 per cent) of all deaths investigated; suicide for 5.4 to 9.5 per cent (average 8.1 per cent); and casualty for 30.3 to 40.7 per cent (average 34.6 per cent). Abortion which is not included under the violent deaths constituted only 0.7 to 1.1 per cent (average 0.8 per cent). Non-violent deaths, which include those found to be due to natural causes, made up 42.5 to 59.4 per cent (average 50.4 per cent) of all deaths referred for investigation.

The necessity for governmental scrutiny of deaths is evident when one considers that approximately 17 per cent of all deaths in a populous jurisdiction are actually subjected to official investigation even under present unsatisfactory conditions. Ordinarily the average citizen gives no thought to the office of coroner and may even be unaware of its existence until some particularly atrocious murder brings the coroner into the limelight. And yet the investigation of criminal homicides constitutes only about 3 per cent of the work of the coroner's office. Important as such deaths are in the administration of criminal justice, numerically they are an almost negligible fraction of the work of the office. No suspicion of foul play or violence enters into half the deaths that must be investigated by the coroner.

DEATH CERTIFICATES SIGNED ILLEGALLY

This proportion would be even larger if physicians did not permit themselves

[12]Schultz, Oscar T., "Possibilities and Need for Development of Legal Medicine in the United States," *ibid.*

to be persuaded to sign death certificates which they have no legal right to sign, and which they sign to prevent someone from becoming a "coroner's case." With the constantly mounting toll of deaths due to automobile accidents and with the progressive increase in the death rate due to diseases of the circulatory system, the most frequent cause of sudden death, it is within the range of possibility for almost any family to have one of its members become a "coroner's case." We have the right to demand that when such an unfortunate occurrence makes investigation necessary, the latter be done in as careful and scientific a manner as possible and with due regard for the feelings of relatives.

In half the cases referred to the coroner, the necessary investigation is wholly a medical matter. In the remaining half, the deaths due to violence of one sort or another, the basic and fundamental investigation is also medical in character. The further investigation of circumstances in violent deaths should be left to, and should be undertaken from the very beginning by the police, the constabulary, the prosecutor and/or the grand jury. If the magisterial functions of the coroner are transferred to these other agencies there would remain as the essential duties of the coroner only the medical examination into the cause of death. The office would no longer be a coroner's office but would be a medical examiner's office.

THE MEDICAL EXAMINER PLAN

Recognizing the ineffectiveness of the coroner's office, Massachusetts abolished the office in 1877. In the place of the county coroners the act provided two full-time, salaried medical examiners for Suffolk County, in which Boston is situated; and for other counties as many medical examiners on a fee basis as the county board deemed necessary. In 1918 the medical examiner system was put into effect in New York City, a single chief medical examiner replacing the several coroners who had previously had jurisdiction. In 1927 the medical examiner system became effective in Essex County (Newark), New Jersey.

The advantages of the medical examiner system over the coroner system are numerous and obvious. The medical examiner is an appointive official who is as free of the vagaries of politics as it is possible for an official to be under our system of government. The appointment is by an elective agency of government, but with a tenure longer than that of the appointing agency, or by a civil service commission, the period of service being indefinite. Boston's two medical examiners have served continuously for many years. The first chief medical examiner of New York City held office continuously from 1918 until his death in 1935. The chief medical examiner of Essex County, New Jersey, has served in this capacity since the office was established in 1927.

The functions of the medical examiner, as the name indicates, are limited entirely to medical examination, undertaken for the purpose of determining the cause of death. If, as the result of such examination, death is found to have been due to natural causes, a death certificate is authorized and the case is closed. If death is found to have been caused by violence, the facts are immediately transmitted to the prosecutor and proper police officials, who can undertake an investigation unhampered by a coroner's inquest.

Under the medical examiner system it has been possible to obtain in New York City, Boston and Newark the services of physicians thoroughly trained in pathology. Through continuous service they have become expert in the dif-

ficult field of medicolegal pathology and have rendered increasingly valuable service to their respective communities. Being expertly trained they know how to apply the auxiliary sciences of toxicology, bacteriology and serology, any or all of which may be called into play in determining the cause of death.

There is thus already in operation in this country a method of procedure which emphasizes, by contrast, the ineffectiveness of the coroner's office. The medical examiner system is no new experiment and has clearly established its superiority over the antiquated coroner system.

THE RURAL PROBLEM

The administration of justice in rural communities presents a number of problems relative to the coroner's office. When Massachusetts adopted the medical examiner system it was made statewide in its application. But this was before the days of modern transportation and it was felt that as many as thirteen part-time medical examiners were necessary in outlying counties, although only two were considered necessary for Suffolk County. A reduction in the number of examiners to one per county or even one to several counties would result in improved functioning.

In different parts of the country several forms of modernized county government are being tried. It is a difficult matter to fit the coroner's office into a businesslike form of county administration.

The prosecutor, the sheriff and the coroner deal, not with local policies or with problems of local business, but with the administration of state laws within the county. It has therefore been suggested that these three officials constitute a county unit of judicial administration, preferably appointed by a state agency or commission rather than selected by the local voters. While such a scheme might bring about better administration of the office of coroner, it would not solve the medicolegal problems of the rural county. The volume of the work done by the coroner in such a county is so small that even if the coroner were replaced by a medical examiner under a modernized form of county government, no one qualified to do expert medicolegal work could be induced to act as medical examiner. And yet the single criminal homocide of a rural county requires and should receive just as expert investigation as a larger number of similar cases in a metropolitan area.

Functional consolidation might present a solution of the problem.[13] With modern transportation facilities a single examiner could cover more than one county, if two or more contiguous counties could be consolidated into a medical examiner district. The size of such districts would be influenced by population, area, population density, and industrial and highway conditions. If the headquarters of such a district were in a centrally located city of fair size, it would probably be possible to obtain the services of a well trained hospital pathologist as medical examiner.

STATE INSTITUTES OF LEGAL MEDICINE

The most highly trained pathologist cannot adequately perform the medicolegal work of a community without proper laboratory facilities and personnel. In densely populated jurisdictions the volume of such work may be great enough to warrant the maintenance of an adequately equipped and staffed laboratory. The cost of such an organization would be prohibitive for a rural medical examiner's office. This problem

(Continued on Page 608)

[13]See Schultz, Oscar T., "Reform in County Government and the Coroner's Office," *Am. J. Clin. Path.*, 5:316, July, 1935.

Shall We Save the Township?

Measuring its cost against value received, shall we save the money spent in township operation?

ARTHUR W. BROMAGE *University of Michigan*

THE town or township, which is found for the most part in the middle Atlantic and middle western states, is a political subdivision of the state of smaller geographical extent than the county. It is commonly classed as a quasi-corporation by the courts. In some of the middle Atlantic and middle western states, the township is designated as a town. This leads to confusion since the word town is sometimes applied, outside New England, to incorporated villages. In this article the word town is used interchangeably with the term township according to the practice of the state under discussion. The township of the middle Atlantic and middle western states must also be distinguished from the New England town. The former has less extensive powers. Its area in the middle west is more regular, since many civil townships follow the lines of the congressional township six miles square. The township was the product, in part, of the land survey policy formulated in the Ordinance of 1785.[1]

Most of the arguments in favor of the abolition of the township are directed against this institution as it is known in the middle Atlantic and middle western states. Such is the vitality of the town and the weakness of the county in New England, that few would suggest the transfer of town functions there to the counties. A case could be made out for the consolidation of many towns in New England, but not for the abolition of town government. Elsewhere, the townships, hailed by Thomas Jefferson as "pure and elementary republics," are political curiosities in a day when the federal government concerns itself with the social security of the average man.

During recent years students of local rural government have ranged themselves into two factions, not always at daggers' points but undeniably opposed to each other. Some have taken a walk from one faction to another, and others may be contemplating a stroll. One side advocates county consolidation, county managers, and the abolition of township governments in order to revitalize the county in the middle Atlantic and middle western states. For this, they have been chided as sentimentalists attempting to carry horse-and-buggy ideas over into this century. The other faction maintains that salvation lies in state centralization. Their plan is to bring the functional activities of counties and townships more and

[1]In 1932, according to William Anderson, Illinois had 1,481 townships; Indiana, 1,016; Iowa, 1,602; Kansas, 1,550; Michigan, 1,268; Minnesota, 1,973; Missouri, 345; Nebraska, 506; New Jersey, 236; New York, 932; North Dakota, 1,470; Ohio, 1,337; Oklahoma, 969; Pennsylvania, 1,574; South Dakota, 1,177; Washington, 73; and Wisconsin, 1,289. *The Municipal Year Book,* 1936, p. 131.

more under state operation or state administrative supervision. Recognize the county as a state administrative district; forget it as a unit of local self-government. Allow the township to be drained of all major functions still in its possession; leave it as a hollow shell and a hallowed memory. Neither faction concedes any quarter to the township.

In 1933 it was said that: "Home rule, managers, departmentalization, and consolidation are the issues of the day in county affairs. . . .Together they constitute a composite plan for revitalizing the county. . . .Disorganization of townships and transfer of their functions to counties would strengthen the latter. Such a program should induce more vigorous county government. If, however, the program is to be otherwise with a transfer of functions to multi-county functional districts or the state, the county will fade into a mere administrative district of the state."[2]

CENTRIPETAL FORCES AT WORK

During the three years from 1933 to 1936, the fading of county government has been more apparent than the revitalization. A few county executives have actually been established in California, New York, and Virginia. County consolidation has been at a standstill. There has been progress, but progress at a slow pace is not enough in view of the centripetal forces at work. On the one hand, inertia and political opposition have blocked the way to county reorganization. On the other hand, the need for federal and state financial assistance for functions, once treated as a local responsibility, has encouraged the drift to centralization.

How will townships fit either into a program of reorganized local governments or into the process of federal and state centralization? Experts in functional activities tell us that the county unit is the lowest common denominator for roads, health, welfare, education, and police administration. Students of taxation often find that the township does not return a commensurate value in services for revenues obtained.

ADDS COST WITHOUT SERVICES

A comparative study of eleven Illinois counties with and seven Illinois counties without townships, was based upon taxes levied in 1931 for general governmental purposes other than schools and highways. The per capita cost of government in the counties without townships was $1.84 while in the counties with townships it was $3.83.[3] A subsequent study of Illinois counties with and without townships concluded that: "The general indication, from the comparisons made, is that township organization adds to the cost of government without the addition of a commensurate service."[4] A third study found that three Illinois counties with townships, in contrast to three without townships, had an excess cost of 47 cents per capita for expenditures mostly of a general administrative or overhead nature. Since this difference constituted the additional cost of township organization for which no essential service was rendered, the township was declared to be "neither a necessary nor an economical governmental unit."[5]

A 1933 report to the Michigan Commission of Inquiry into County, Township, and School District Government held that the township had become an

[2]A. W. Bromage, "American County Government," 1933, pp. 284-285.

[3]H. S. Hicks, "County Organization vs. Township Organization," p. 4.

[4]M. H. Hunter, "Costs of Township and County Government in Illinois," 1933, University of Illinois Bulletin, XXX, no. 18, p. 31.

[5]H. K. Allen, "Costs and Services of Local Government in Selected Illinois Counties," 1936, University of Illinois Bulletin, XXXIII, no. 44, pp. 49-50.

unnecessary and hence a costly and wasteful unit of government. It was considered detrimental to the interests of the local taxpayers to maintain an institution, the costs of which were largely for administrative overhead.[6]

Reporting in 1935, the Indiana State Committee on Governmental Economy had this to say by way of summary and recommendation: "A careful study of the data presented in preceding chapters and of the experience of Indiana and other states in the administration of local government seems to indicate that the following changes, all of which might be effected by legislative action, are desirable: 1. Transfer of the administration of township schools and outdoor poor relief from the townships to the county. As has been pointed out in an earlier part of this report these two activities, since the transfer of township roads to the county, constitute the only major functions of township government."[7]

FEW TRAINED WORKERS

With respect to towns in Minnesota, Professor William Anderson pointed out that in 1931-32 some nineteen thousand officers were serving nearly two thousand of these units. Aside from constables and justices of the peace, about twelve thousand officers were handling five or six million dollars a year. Because of small funds and the nature of the work, few towns could afford trained workers. "As a result, a great deal of the work is necessarily done by rule of thumb. In a number of cases this is undoubtedly economical and sufficiently effective for the purpose." In contrast to this, Professor Anderson pointed to the criticism of the towns for their indifferent performance of property assessment, road construction and maintenance, and public relief work, and for their "almost complete neglect of such functions as public health and law enforcement." He concluded: "As far as towns are concerned it seems that, although for administrative reasons some of their more important functions should be transferred to other units, they may still have useful functions to perform in the political life of the people, and as centers for the formation and expression of public opinion on questions of local concern."[8]

In North Dakota, functions of the civil township have been generally transferred to other units. "Those which do remain to the township, it can no longer perform efficiently; yet township organization costs the rural people of North Dakota from one and one-half to two million dollars per year. Approximately fifteen thousand people are drawing pay for the performance of duties which are of little significance. . . The red tape of township government hinders efficient administration on the part of the county. Under the present economic distress, the cost of township government is a burdensome and injurious expense."[9]

The Pennsylvania Local Government Survey, as part of its special recommendations on local units made the following suggestions for second-class townships: (1) that their chief function, local highway administration, be placed under permanent qualified roadmasters, (2) that the electors of each county have an option to continue townships or adopt a county unit plan, (3) that the number of second-class townships be reduced to not more than 500,

[6]A. W. Bromage and T. H. Reed, "Organization and Cost of County and Township Government," 1933, p. 125.

[7]Report of the Indiana State Committee on Governmental Economy, 1935, p. 149.

[8]William Anderson, "Local Government and Finance in Minnesota," 1935, pp. 80-81, 318.

[9]James A. McCrae, "Township Government in North Dakota", *Quarterly Journal* 23 (1932-33), University of North Dakota, p. 200.

and (4) that a new district type of government under a central state agency be provided for areas, such as private and public forest land, in which "population and taxable resources have reached the vanishing point."[10]

The New York State Commission for the Revision of the Tax Laws has cited as a desirable objective that "each unit of local government in New York State perform those functions which it can perform most efficiently and most economically." In general, the Commission's findings are against the township as an efficient and economical unit of administration. In its 1935 report this body stated: "The Commission's inquiries have revealed beyond all doubt that there are certain functions which in general can be operated more cheaply and efficiently by counties than by towns.[11] This is true of highway construction and maintenance, of the twin functions of assessment of property and collection of taxes, of police protection, and the administration of public health and welfare."[12]

NUMBER OF TOWNSHIPS DECREASING

Statistics for the last few years indicate some recession in the number of townships. Recent constitutional amendments and statutes stand for the continued game of whittling away township functions. In Oklahoma a constitutional amendment of 1933 deprived townships of all power to levy taxes except for existing bonded and judgment indebtedness. Township roads in that state have been transferred to county administration. In Minnesota, an act of 1933 requires the dissolution of civil townships in which assessed valuation is less than $50,000, tax delinquency more than 50 per cent, or state title extends to 50 per cent of the real estate. As a result, some seventy townships have been discontinued in northern cut-over counties.[13]

In Michigan the constitutional township highway commissioner hears his death knell. In 1936 a five-year plan was completed to absorb township highways into county road systems. Township highway commissioners must content themselves with settling (at two dollars per day) disputes between neighbors over the repair of line fences, seizing animals at large on public highways, and performing sundry minor duties. To the contrary, the Indiana State Association of Township Trustees and allies recently blocked a proposal to transfer outdoor poor relief from township trustees to newly-created county welfare departments.[14]

While township officers may win battles here and there, can they hope to win out against the process of attrition? Bit by bit the townships are worn down to make way for the county unit. The savings thereby obtained are not enormous, in terms of our gargantuan federal, state, and local expenditures. Nevertheless, in terms of services rendered, it would appear from the surveys and reports that the township is an unwarranted expense, however small. On the other side of the scales is the value of the township as a training school of democracy and a center of community life. How much is this worth in an era of big business, and federal and state centralization? Accordingly as one speaks in terms of tradition or in terms of finance, he will save the township or save the money.

---

[10]Pennsylvania Local Government Survey; in "Transactions of the American Philosophical Society," New Series, 25 (1935), 8.

[11]Commissioner Moore dissented.

[12]New York State Commission for the Revision of the Tax Laws, *Sixth Report*, 1935, p. 30.

[13]William Anderson, "Local Government Units," The Municipal Year Book, 1936, p. 133.

[14]C. F. Snider, "Indiana Reorganizes for Welfare Administration," NATIONAL MUNICIPAL REVIEW, 25 (1936), p. 427.

Erie County, New York Deals in Real Estate

Aggressive measures are taken to restore value to overburdened real estate

ELWYN A. MAUCK

Staff Member, New York State Commission for the Revision of the Tax Laws

Five years ago, Erie County, New York, launched a venture quite at variance with the usual functions of county government. The tax delinquency problem in the suburban towns (townships) surrounding Buffalo had become so pressing that the board of supervisors authorized the foreclosure of tax liens owned by the county. As a result, Erie County now holds title to more than eleven thousand parcels of land, with foreclosures continuing at a constantly accelerated pace. The second phase of the venture, namely, resale of the lots, also is progressing at a notable rate through a gradually expanding market. Over two hundred lots have been sold, the majority during the past year, and prospects indicate increasing future sales. Erie County now is permitted to have no choice in the matter—it is very definitely and completely in the real estate business.

The tax delinquency problem grew primarily as the result of the activities of real estate promoters during the last decade. Subdivisions were created prematurely, and public improvements were installed upon vacant lots, the costs being levied against the property ostensibly benefited. The arrival of the depression merely accentuated the difficulties created by this unwise procedure. The roseate picture of beautiful homes rising in constantly expanding suburbs simply failed to materialize. The costs of the public improvements, however, remained to be paid. In many instances such costs imposed annual taxes and assessments equal to 50 or 75 per cent of the assessed values of the vacant lots upon which the burden was placed. This type of property could not possibly sustain a tax burden of such dimensions, and within a few years most of it had accumulated delinquent taxes far in excess of the value of the property. Under these circumstances, redemption of the parcels was impossible, and some governmental action canceling a large part of the accumulated burden was a necessary prerequisite to restoring the property to a tax-paying basis.

Although the towns were instrumental in creating the special districts and the costs accompanying the public improvements, the county bore the brunt for the non-payment of taxes and assessments. This inequity resulted from state statutes authorizing town tax collectors to receive state, county, and town (including special district) taxes only for an initial period, after which all unpaid taxes had to be "returned" to the county treasurer. The town collector paid nothing to the county treasurer until the town tax levy was met in full, and if the latter amount was uncollectible, the county, under the

famous "Amherst decision," had to pay the town government the difference between the town levy and total collections made within its jurisdiction. In theory, the county could reimburse itself through the returned tax roll, but in practise there existed no such recourse. Following attempted collection by the county treasurer, the next legal remedy was sale of tax liens, but since generally the liens were not considered good investments, the county, being unable to sell them, had to retain them in lieu of cash. After a period of two years the holder of the liens, namely, the county, had the option of foreclosure.

TAX COLLECTIONS INSUFFICIENT

The necessity for action upon the problem which had developed in the suburban towns by 1932 was shown by the fact that the four towns contiguous to Buffalo had collections of 67 per cent, 60 per cent, 60 per cent, and 75 per cent of the tax levy at the time of the lien sale. The lowest point reached was 52.82 per cent by one of the towns in the following year. Since these collections were insufficient even to meet the town expenses, the county received none of its levy from the towns, and, in addition, had to pay them the difference as stated. The tax collections in 1933, 1934, and 1935 continued in approximately the same percentages, and at the end of the last year the county found itself holder of tax liens amounting to $12,003,601.50. In a total of twenty-five towns and three cities, the four towns under consideration were responsible for $9,506,-773.90 of the above amount. Furthermore, county foreclosures of tax liens upon vacant lots reduced the amount of the tax certificates in these towns by more than $2,000,000. The four towns represent only 11.7 per cent of the property valuation of the county.

No additional agencies were created in 1931 to administer the new function assumed by the county government. The first step, title searching, was entrusted to private companies, thus protecting the county from loss through subsequent suits based on defective titles. The next step, foreclosure proceedings, required the appointment of two deputy county attorneys. During the first year the small appropriation did not permit the hiring of an adequate staff, but in subsequent years the county attorney's office has had a sufficient annual appropriation for this division of the work.

For the third step, the creation of a real estate board was suggested, but the plan was abandoned in favor of entrusting the Erie County Board of Equalization with custody of records which would form the basis for negotiations regarding disposal of the lots. The board installed a complete set of records in loose-leaf volumes showing for each parcel its assessed value, an appraised valuation made by the board, amount of delinquent taxes with year and purpose of levy, and the future debt service burden upon the property. These records were supplemented by maps showing the location of all county-owned and privately-owned properties.

Before foreclosure proceedings actually were instituted, considerable effort would be expended in an attempt to reach an agreement upon the delinquent taxes, although current taxes were not subject to compromise. The Erroneous Tax Committee of the board of supervisors, after a thorough investigation of the property, would negotiate with the owner in an effort to restore the property to a tax-paying basis. For example, in the first substantial compromise, negotiated in 1933, the reduction of 37.5 per cent of the accumulated arrears was allowed on a tract

of land upon which no taxes had been paid for ten years. One condition of the agreement, however, was that the owner should construct ten houses within a specified period. In fulfilling the condition, he built, not ten, but forty-seven, and sold all of them to persons desiring homes. The transaction, in addition to restoring the land to a tax-bearing status, added $140,000 to the tax rolls of the local governments.

GUIDES ESTABLISHED

Since there were many lots varying widely in the number of years of delinquency, in the amount of the delinquent tax burden, and in other features, the county officials had to establish certain administrative practices to guide their actions. Thus only property with unpaid taxes covering a period of three years or more was considered for foreclosure. For the purposes of economy, it was the practice of the county to select a large tract of delinquent lots held by a single owner. By following this practice the county acquired a few improved properties. Individually-owned lots, besides being more expensive to forclose, had better prospects of becoming taxpaying again in the future. Large tracts, vacant, long delinquent, and involving suit against only one owner, generally were selected as the "dead" property against which foreclosure proceedings should be brought.

Foreclosure had the effect of removing the "dead" property from the town tax rolls, though it remained subject to all special assessment levies. The county profited in that after foreclosure it paid only the special assessments, while previously, through reimbursing the towns for delinquent taxes, it had to pay both special assessments and taxes. The removal of this "dead" property from the town rolls permitted the resulting tax rate and assessed value of taxable property to reveal the true financial condition of the towns. The burden of providing the town services was returned from the county to the towns by this procedure while the cost of the improvements in the county-owned subdivisions still had to be borne by the county. The result appeared to be a much more equitable distribution of the burden.

In the sale of lots, which has become increasingly active in the past year, the county encourages building and home ownership. The prospective purchaser is given a lower price if he agrees to build a home within a limited length of time. This agreement is enforced by giving the purchaser merely a short-term lease upon the property. If he has begun construction at the end of the period, he is awarded a quit-claim deed. If he has not begun to build a home, the payment made or a portion thereof is retained as rental for the period of the lease. The purchaser is granted also the alternative of paying a higher price to obtain title to the property.

FEW LOTS SOLD

Although the county is willing to sell to persons wishing to build themselves homes, very few lots have been sold upon this plan. Practically all sales have been of large tracts to investment builders. They are given a longer period in which to improve the lots, and are allowed terms better adapted to their requirements. Thus in a recent sale involving sixty lots, the builder agreed to have single-family homes constructed within a period of two years. A step-up plan was developed in regard to the price.

The first twenty lots to be improved were sold at $550 per lot, the second twenty at $600 per lot, a third group of ten lots at $650, the fourth group of ten at $700, and the remaining ten

lots at $750. The theory of the step-up plan was that construction upon the first lots would increase automatically the value of the remaining lots. The builder deposited $1000 with the county treasurer as evidence of good faith, such amount to be applied to the purchase of the last ten lots upon completion of the program. It was agreed that deeds to the lots would be transferred to the builder as rapidly as construction was completed and payment tendered to the county.

ERIE COUNTY FORTUNATE

Erie County is fortunate in that many of the more burdensome bonds issued by the improvement districts were of a short-term, serial type. Although it created temporary difficulties for the towns involved and for the county, it permitted financial readjustment within a comparatively short period. Many paving bond issues have matured or now are reaching their final maturity dates. Practically all of the lots sold are supplied with paved streets and sewer and water connections, and they lie in the districts in which most of the debt service burden created by these improvements has been met. To the extent that the expenditure for such improvements is not fully reflected in the price of the lot, the purchaser receives such improvements for only part of their cost. Taxpayers of the county must bear the remainder. This is an almost inevitable result of the over-expansion and premature subdivision experienced in the last decade.

It is not to be inferred that the county is disposing of its property at whatever price it can receive. On the contrary, it is very careful to observe that its activities do not undermine the real estate market. Such care is necessary to protect the equity of home owners and taxpayers, while a contrary course would encourage further tax delinquency. Although it does not expect to recoup at the present time the losses being sustained on the lots sold, eventually it hopes that the revival of the real estate market will offset present losses. It hopes additional offsets will include the advantages resulting from restoration of the lots to the tax rolls and the increase of taxable values through the building of homes.

Still other benefits may be obtained by the county through the ownership of the vacant parcels. Where the subdivision is unimproved and clearly premature, the property can be returned to farm land. A recurrence of subdividing in the too near future will probably be retarded by state legislation upon the subject recently enacted. Another very important power is that of regional planning. This function, which has received tremendous impetus during the last decade, can be assisted greatly by public ownership of properties in the areas of future development. Not only will the zoning problem be simplified but boulevards, parks, schools and playgrounds can be built without excessive costs due to the private purchase or condemnation of real estate. The county, through ownership of land, will be able to control very easily the development of the communities to fit them into a master plan devised for the region.

With the program regarding the foreclosure and resale of vacant parcels progressing satisfactorily, the county now is turning to the problem of delinquent taxes on farms and improved lots. With the general revival in economic activity, it is believed that much of this property should be able to make a satisfactory adjustment. If adjustment fails, the county intends to foreclose upon the property in the same manner as is being followed at the present time

(Continued on Page 595)

Governmental Research and the Citizen

A plan for public cooperation in applying results of research

S. HOWARD EVANS

Payne Fund

THE successful development of a highly important body of technical information has brought governmental research workers to the next step in the full orientation of their movement within the framework of democracy. This is securing public coöperation in applying to government the results of their research.

To the extent that such coöperation has been withheld up to now, the explanation may well be that most of the research has been carried on without a sufficiently close relation to the democratic process. While individual citizens have been consulted about specific projects there has seldom been any extended public discussion of the problems on which research has been done, either for the purpose of determining the importance of the problem or of canvassing in advance the possible value of the findings. And even as research men have been indifferent to the need for any consultation with the people, the people have shown a large capacity for indifference to research studies when they have been completed.

One of the best ways to get public acceptance of research is to give the people a keen sense of participation in the work which is being done. Many will say, and with ample precedent with which to support their claims, that there is no basis on which this can be done effectively. But precedent need not continue to bind the future. What we need is a new method of citizen participation based on the new conditions with which we are faced.

Governmental research men will probably agree that the governmental research procedure for finding a satisfactory method of citizen participation is that of making a job analysis of participation. By this process the various functions are established, the total problem is broken down into a number of lesser and simpler problems, and the steps required for a solution are made clear.

Making such a job analysis has led me to the conclusion that citizen participation can be related to any particular governmental problem if the consideration of that problem is divided into three distinct functions as follows: (1) investigation to secure all the relevant facts, (2) the widest possible public discussion of the facts, and (3) action predicated on the discussion of the facts. Each of these functions can be separately and to a large measure independently performed. Each can be combined with the other functions to form a step-by-step procedure.

I am not proposing that some new and complicated machinery be created to investigate, discuss, and act on governmental problems. I am simply suggesting that adequate treatment of any of these problems in a democratic coun-

try where majorities ostensibly rule, requires the application of all three functions. I am suggesting that a framework should be established through which existing organizations qualified for particular functions can cooperate with other organizations qualified for different functions to secure a complete consideration of any given problem.

The governmental research bureau for instance is particularly competent to perform the first function of investigation. While it also may be competent to discuss the results of such investigation, its engaging in that aspect of the total job is apt to accomplish less than would the inexpert but more representative discussion of groups of men and women who could generate political pressure. For the governmental research worker to enter the field of political action would not be in keeping with the tradition of his job and his professional equipment.

GROUPS QUALIFIED FOR INVESTIGATION

In addition to governmental research organizations there are some other professional and educational groups amply qualified for the function of investigation. For the most part they are associated with the institutions of higher learning. Thanks to free education in the United States every section of the country has educational centers competent to undertake certain kinds of investigation. While colleges and universities may not be completely equipped to render such a service at present, they could be adjusted to it with a minimum of inconvenience and expense.

Organizations particularly qualified for discussion may be found everywhere. They consist of women's clubs, men's luncheon clubs, fraternal orders, and agricultural, labor, educational, religious and social groups. All of them are concerned with problems of government. Each has local units scattered across the country so that discussion of any specific problem can be centered in areas of particular interests or given national attention as the situation may require.

ADHERE TO FACTS

The difficulty in discussion is not to find organizations, but to keep their discussion within the limits of the facts. They must be made to realize that mere discussion of a problem can seldom be raised above the level of a corner store conversation. They must also recognize their dependence upon the first function of participation, which is essentially fact-finding, to put their problem in such perspective that they can be intelligent about it.

The machinery for political action is already organized in the political institutions of the nation. Most of it is financed by the government. It is ready and waiting for the introduction of some procedure which will make it move toward the more orderly determination and administration of public policy. The functions of investigation and discussion separately performed in proper sequence should give it the kind of direction which it needs.

Such a scheme of coördination would impose some restrictions on research. In the first place it would require that the people to whom facts were to be turned over for discussion should have some voice in determining the subject about which facts should be collected. Whereas, the research bureau now consults with its board of directors before undertaking a specific project, as performers of one of the functions of participation it would also consult at least the leaders of the groups which were to perform the second function of participation. It would be open also to solicitation from such groups to ini-

tiate studies of their independent choosing.

In the second place, the findings would be handled differently. The bureau would not only prepare a scientific report on the results of its investigation but would also organize its facts in such a way that they could be presented to citizen groups for public discussion. This would involve the simplification of materials so that the total picture could be presented within a reasonable length of time and could be understood by laymen. It might involve the development of background information which could be given to members of the discussion group in advance to more fully prepare them for their function.

Within such limitations as these requirements impose research workers would be free to conduct their investigations exactly as they have been in the habit of doing. There would be no interference with their work, no attempt to influence their findings, and no threat to the professional standards which so painstakingly have been built up. On the contrary their efforts would be strengthened and fortified by the support which the coöperation of civic groups would give.

Details of the plan outlined above will have to be formulated in the light of the particular qualifications of the different groups and their willingness to accept responsibility. If the plan appeals to governmental research workers and it can be made to appeal to other groups which have a similar interest in the improvement of government, the details of coördination can be worked out readily.

Note.—The substance of this article was delivered as an address before the Governmental Research Association in Ann Arbor, Michigan, August 25, 1936. The author would appreciate comments or criticism.

SPOTLIGHT ON THE COUNTY MANAGER PLAN

(Continued from Page 571)

tion, however, and suggested a plan for foreclosing on the delinquent property, removing it from the tax rolls and refunding the remaining debt so that the rise of the tax delinquency debt will be halted. The county administration, though of a different complexion from the city administration, has accepted the committee's recommendations and the county manager will appoint a commission to execute details of the plan.

Some discussion of setting up a metropolitan water district, and a county or metropolitan policing system has been heard, but the public feeling, so far as it can be gauged, favors waiting for these further changes until the results of the reorganization already made possible by the adoption of the manager plan can be appraised, and until additional enabling legislation removing doubts on changing the sheriff's police powers is adopted by the legislature.

ERIE COUNTY

(Continued from Page 592)

in regard to vacant parcels. Undoubtedly, if this policy is pursued, the county will become the owner of many farms and improved lots in addition to its present holdings. It then will find it necessary to develop new administrative machinery and techniques for the different types of problems arising as the result of the improvements on the land. Since a greater proportion of the improved lots and farms are held by owners of single parcels, the costs of foreclosure per parcel necessarily will increase. Matters of upkeep and land utilization will be novel problems confronting the county. Erie County's solution of these problems may make another very interesting chapter in the history of American county government.

A Personnel Program for the County Service

Centralization of authority in the county government will make imperative the adoption of a better personnel system

H. ELIOT KAPLAN *Executive Secretary, National Civil Service Reform League*

IN NO unit of government has the merit system been more neglected than in the county service. Perhaps no unit of government has become so complex in structure or more lax in administration generally, than county government. None is more archaic. No unit of government suffers from such great diffusion and disjunction of operations. Yet the more than 3,000 counties in the United States with 150,000 employees are left with no scientific means for their recruitment and selection. This number of employees does not include another 150,000 employees of towns, villages and other small subdivisions which sooner or later must be consolidated under county control.

Little effort has been made to extend to these 300,000 public employees any of the modern practices or methods of personnel administration, or even business like control of payrolls. It is amazing to learn how many counties have no or little conception of the number of their employees or the extent of their annual payrolls for personal service.

Although some solution of the personnel problem has been approached in ten states and over four hundred cities throughout the country, only five counties, most of them in the south and west, have set up any machinery for sound personnel control. These are: Cook County, Illinois; Los Angeles County, California; Multnomah County, Oregon; Henrico County, Virginia; Alameda County, California; San Diego County, California; and Jefferson County, Alabama. Sacramento County, California, has just adopted a merit plan.

In some states the state civil service commission has jurisdiction over county personnel. In New York State the rules of the state commission have been extended to practically all the larger counties. In New Jersey the state commission administers the civil service law in eight of the larger counties. Although in Ohio the law corresponds rather closely to the New York State law and sets up a similar type of personnel control of the county services by the state personnel agency, the tendency has been, with the exception of two of the larger counties, virtually to ignore the county services. The civil service system in Cuyahoga County (which takes in the Cleveland district) is administered by the Cleveland Municipal Civil Service Commission with the approval of the state commission.

In California under the constitutional amendment adopted in 1934, counties are authorized to adopt its civil service provisions by referendum. None of the counties that had not had a civil service law prior to the adoption of the amendment have as yet sought to adopt the new law.

In county governments we have generally had about the poorest kind of government. Politics has been exploited to the highest degree. Nepotism has been practiced to the limit. Patronage has been rampant. Supervisory officials, as well as elected officers, have been compelled to give far too much time to the consideration of patronage. Incompetency of subordinates and waste have been the rule rather than the exception. Corruption, too, has found its place in the wake of spoils. Those who have had experience with public administration have had to conclude that it has become extremely difficult, if not virtually impossible, to exclude political pressure and other outside considerations without some centralized personnel control system such as the civil service laws provide.

NO ABSOLUTE PANACEA

Of course, the merit system of selection of public employees does not offer a panacea for the absolute elimination of politics. Nor is it an instrument of perfection that always insures the discovery of the most competent person for immediate practical performance, or the person with greatest potential capacity for executive leadership or administration. But what system is there that is better? It is no exaggeration to state that the merit system at its worst is still a wee bit better than the spoils system at its best.

For all practical purposes the personnel problem in the county service varies little from the personnel problem of the state or municipality. In the smaller units of government the tendency is to avoid any form of personnel control as unnecessary and expensive. Likewise the tendency in the smaller counties is to ignore any suggestions for improving the methods and practice of selecting subordinate employees. The spoils system has had little respect for form or unit of government. Patronage has been exploited as much in the county services as anywhere else—perhaps in even greater degree than in the state and municipal organizations. We are, however, not concerned here solely with the evils of patronage in county government. The same arguments that may be made for the elimination of patronage in the state and larger municipal governments can be applied to the county service.

MORE COUNTY RESPONSIBILITY

We are more concerned, however, with developing constructive personnel control in county government. With the elimination of many of the smaller units of local government—which is inevitable—the county unit is destined to take on greater responsibility of administration. Centralization of authority in the county government will make the adoption of a better personnel system imperative. The elimination of the smaller local units will focus greater public attention on the stronger and enlarged county government. Undoubtedly, one of the reasons why the county services have been so utterly neglected, not only with respect to their personnel problems, but other phases of public administration, is that the citizens have paid a great deal of attention to their municipal, town or village officers, while at the same time failing to hold their county officers to stricter account. The average townsman feels as aloof from the central county government as does the city voter from the state government. This indifference toward county government (with its diffused interests) has been in large part responsible for much of the maladministration in many of the county services. Residents of the towns, villages or even municipalities know of the political appointees that are foisted on them within their local unit. But

how many of them really know of the political manipulation of appointments in the county service?

In the very small counties it is quite probable that with a county manager appointed on the basis solely of his qualifications to administer the functions of the local government there may be little need for some of the more refined methods and practices generally provided under the civil service law. A manager with a free hand to administer county affairs might often be found to complain that the restrictions entailed by civil service practices and procedure hamper rather than aid him. One could well appreciate the difficulties that such a county manager might encounter with a personnel agency whose theory of personnel control is solely the elimination of political considerations in appointments. In its zeal to overcome these influences it may go beyond reason to cover up the loop-holes, and in so doing merely hamstring the manager in his administration. But this need not at all be the case if the personnel problem is approached from a basis of efficiency and economy in administration, and not merely from the negative view of eliminating patronage.

COST OF PERSONNEL HIGH

What shall be the best set-up for the personnel agency in the county service, in order to get the best personnel at lowest cost? If we permit the county service to bungle along, as have many of the states and municipalities, the cost of personnel will increase out of proportion to the services rendered. Probably over $500,000,000 is spent annually for county, town and village employees. At least half of the cost of county government operations is consumed in personnel. Labor turnover is most expensive. One cannot estimate the losses that result from faulty payroll checking, abuse of sick-leave and vacation-leave, and the hopeless struggle to keep politically appointed employees attending to their jobs during political campaigns, (aside from the political work they sometimes do all year round at public expense.)

To effect a sound personnel system for the county we must provide these essentials:

(1) A central personnel agency equipped with adequate technical staff and with sufficient funds to administer the law effectively;
(2) A survey of the salaries paid to all public employees so as to classify positions properly according to title and compensation, so that those performing substantially the same services shall be grouped in one class and salaries fixed according to duties performed and responsibilities assumed;
(3) A compensation plan uniform in its application to all similar classes of positions with schedules of intermediate salary increments and designated lines of promotion to the higher grades and positions;
(4) Certification of payrolls by the personnel agency;
(5) Supervision and investigation of the administration of the law;
(6) Service ratings to determine performance on the job;
(7) A probationary period to supplement the competitive examinations conducted by the personnel agency;
(8) A properly conceived system for separations from the service through resignation, retirement or dismissal;
(9) An adequate retirement system;
(10) Uniform rules governing leaves of absence with or without pay; compensation in case of injury and vacations;
(11) Plan for training for the service;
(12) Plan for in-service training to develop talent for higher administrative and supervisory positions;
(13) Prohibition against political assessments and contributions, as well as undue political activity;
(14) Provision for a taxpayer's action to

restrain payment of compensation to persons unlawfully appointed or employed.

Among the suggestions that have been made for the set-up of the county personnel agency are the following:

(1) Control of recruitment, selection, promotion and separation from the service through a state personnel agency:
  (a) By direct centralization in and control by the state agency;
  (b) Through a local representative of the state agency within the county under the direct supervision of the state agency.
(2) A county agency consisting of:
  (a) A multiple bi-partisan civil service commission;
  (b) A personnel director.

In New York, Ohio and New Jersey, as has already been pointed out, the state civil service commission has jurisdiction over the county services. Largely through lack of facilities on the part of the state agency, and largely due to unwillingness of the legislative bodies to make adequate appropriations, the personnel system in counties in these states has been neglected. It has worked out perhaps best under the New Jersey law where the state personnel director has been able perhaps to give a little more attention to that part of the service.

In New York it has worked out fairly well in the larger counties, but it has been of doubtful value in the smaller counties. In Ohio it has failed utterly to come up to expectations.

DISCARD BI-PARTISAN COMMISSION

One should not jump at the conclusion, however, that the establishment of a local personnel agency is the ultimate solution of the problem. Except in the very large counties the cost of maintaining a well equipped technical staff for the personnel agency is too much to expect our fiscal authorities to accept without grumbling. It is no secret that in the smaller cities the work of the personnel agency has been perfunctory and in many instances worthless. This is no indictment of the system itself. It is due to reluctance to make available to the personnel agency the necessary personnel and equipment to do a real job. Coupled with that, of course, has been in many instances the unhappy selection of the members of the personnel agency itself. Too often the multiple bi-partisan civil service commission has been found inadequate as regards their qualifications, undesirable as regards their sympathies, and unwarranted in their political machinations. While there may be some advantage in having the multiple bi-partisan commission in the larger state and federal services, and perhaps even in some of the very large municipalities, there is no reason for extending that plan to the county service. We may safely discard the bi-partisan multiple commission as entirely unnecessary for the county service. The work of the personnel agency can be done with greater dispatch and with better results by a qualified personnel director than can be hoped from a politically selected (which is the case in most instances) multiple commission. Supposedly non-partisan in contemplation, it is partisan in actual practice. And how politically partisan!

COUNTY PERSONNEL DIRECTOR

Perhaps the ideal plan would be to provide for a personnel director for the county appointed either by the county manager, if there is one, or by the county council or board of supervisors. He would be in charge of all personnel matters other than the examining of candidates, which might be vested in the state agency. This might be provided for by legislation, or by arrangement with the state personnel depart-

ment, if there is one. In the absence of such central state agency might not there be established a central examining board equipped with a qualified technical staff to conduct the testing and rating of candidates for all of the county services within the state? Such a central agency might also be used for the municipalities as well as the counties, and so make the cost of operations more economical for all. Such an arrangement would go far to help facilitate greater coöperation among the counties and encourage promotions, transfers and assignments from one county service to another. The possibilities are interesting. It might even permit the pooling of personnel for all county and municipal services and for various types of service, particularly temporary and seasonal positions. It would open the field to a real career service. It would coördinate the functions of the state, municipalities and the counties in the personnel field. It would make available to the counties and municipalities what few of them could afford to establish alone. It would not, as the home rulers feel, invoke a pernicious central rule or control over the counties. There need be no interference with the other phases of personnel administration within the county. The state agency would confine its functions, so far as the counties and municipalities are concerned, solely to the process of examining candidates.

STATE REPRESENTATIVE IN COUNTY

The appointment of a representative of the state personnel agency acting within the county has not yet been tried out in any state. The experience of the federal commission, however, in connection with its district managers distributed throughout the field services gives some hope that such a plan might work out fairly satisfactorily when applied to the county services within the state. It would virtually correspond to the plan already outlined except that the personnel representative of the state commission would be directly responsible to the state commission instead of the county authority. It is appreciated that this seemingly violates the general principle of sound public administration. It might also be urged that this would not permit of altogether pleasant coöperation between the county authorities and the state agency, and might even lead to friction and delay. There is much to be said for such criticism. It is not urged except where a strong state personnel agency has already been established. It might be the only practicable plan in a smaller state when the home-rule fetish has not been overworked beyond reason.

Where the personnel director is a representative of the state commission, there is no good reason why he may not be selected by the county authority, even though his responsibility may be directly to the state commission. This plan would at least have the advantage of giving the county authority more confidence in the system, and might result in better coöperation between the county and state agency.

Where a county personnel department or agency is decided upon it would seem reasonable to permit the county manager, if there be one, to appoint the personnel director and have him serve directly under the manager's supervision. The fear of domination by the county manager is highly exaggerated. Even if the personnel director were under his thumb, what of it? After all, the personnel director will generally be no better than the manager wishes the merit system to be administered. The responsibility is the manager's. In the absence of a county manager, the selection of the personnel director, whether by the mayor, council or board of su-

(Continued on Page 616)

Functional Consolidation in the Counties of Virginia

A frank discussion of the merits and disadvantages of joint administration of governmental functions as determined by pioneer counties in the movement

RAYMOND UHL

University of Virginia

CONSOLIDATION of counties is premised on the fact that many of the existing counties are too small and too poor to finance and carry on the work of county government adequately and efficiently. The following statement made by the New York Bureau of Municipal Research in 1927[1] holds true today:

> The plight of the poor county constitutes one of the most serious problems of local government in Virginia. The poor county spends little per inhabitant because it can afford little. It discharges the functions assigned to it by the state in much less adequate fashion than do its more prosperous neighbors. Nevertheless, in order to obtain even these inadequate results, it must tax itself more heavily than the wealthier county which maintains a higher standard of governmental service.

To cope with this situation two solutions have been suggested: first, that the existing counties be combined on a geographical basis and, second, that two or more counties coöperate by jointly administering separate functions of government such as health, wealth, welfare, and schools. It is my purpose to point out the extent and the results of functional consolidation in the counties of Virginia.

[1] "County Government in Virginia." Report on consolidation and simplification prepared by New York Bureau of Municipal Research, 1927.

Recognizing the variance in economic wealth, population, and area of the counties of Virginia, the state department of health modified its previous plan of county health units to form in their places health districts which may consist of a single county, a combination of counties, or a combination of a city and county. There are now five joint health districts of this type. Functional consolidation of counties, consolidation of counties and cities for the administration of public welfare, has progressed materially. There are four district almshouses replacing twenty-three obsolete county homes and three public welfare units composed in each instance of a county and a city. It is significant that this latter type of consolidation between a county and a city has not proved to be satisfactory. Mr. Arthur W. James, Commissioner of Welfare reports:

> The consolidation of this function of government by county and city has not worked out well, the form of government, interests of a city and an adjoining county being so different.

He then adds:

> I feel sure that these difficulties would not be experienced in a consolidation of two or more counties.

A number of such welfare units have been worked out but none has yet been set up.

In school administration the school

district has given way to the county as the unit. This tendency has been carried further and there are now fourteen combined school divisions involving twenty-nine counties.

The recent trial justice act adopted by the General Assembly makes provision whereby two or more counties or counties and cities may be combined under the jurisdiction of one trial justice. This simply follows out the plan of the circuit courts which are organized into some thirty-four judicial circuits including all the counties and cities of the state.

Consolidation of this kind is generally known as functional consolidation. This form of combination is not without merit. In a letter to Dr. G. W. Spicer, chairman of the Virginia Commission on County Government, the Director of Rural Health of the State Department of Health makes the following statement:

> The consolidation of counties in relation to public health work has been based upon three factors—area, population and assessed valuation of the property in the county. It has been our experience that many counties individually could not support a full-time health department, as the property valuation for taxation was not sufficient to produce an income to provide the expenses for a county health department. In other instances, the area and the population group to be served were not large enough to justify a full-time department.
>
> We have combined two or more counties in several instances in order that they may obtain full-time health service. This consolidation, of course, has been strictly from the administrative standpoint, the unit working in the two or more counties regardless of boundary lines. Unquestionably, greater efficiency in the administration of public health work has been obtained and there have been inaugurated full-time health activities in areas which otherwise would be without such services. In many instances where a full-time unit has been started in one county, to maintain this service it has been necessary to combine with another county, as it was not possible for the county to provide funds to carry on the work in a single county.
>
> We believe in Virginia that it will only be possible to provide health service to the rural population group if districts are formed of sufficient area and with a population group large enough to keep busy the personnel of the full-time health unit and, in addition, that the taxable property provide sufficient funds to meet the necessary expenses.

With respect to the establishment of the four district almshouses replacing the old county homes, the State Commissioner of Public Welfare makes the following significant remark:

> The highest per capita cost in the four district homes is lower than the average per capita cost of all the remaining almshouses in the state.

MERITS OF THE PLAN

What are the merits, if any, of functional consolidation? In the first place the creation of such functional areas makes it possible to map out the area which will give the best technical results. The area best suited for health administration may not be the best area for welfare administration or for schools. Consequently, each function can be organized on a basis which will guarantee a maximum of efficiency for that particular activity of county government.

Secondly, functional consolidation proceeds in piece-meal fashion to invade the activities of county government. It does not take away suddenly a group of functions, but removes them one by one. At the same time it does not involve a loss of identity on the part of the counties and of county officials. Hence, this form of consolidation is the type which courthouse politicians are inclined to favor. It must be said, however, that in Virginia

where local health and welfare boards have been retained in the combined unit, there is much friction and a real impairment of the efficiency of the larger unit.

Opposed to the merits to be found in functional consolidation there are serious disadvantages to this type of consolidation. The very essence of functional consolidation is disintegration. Functional consolidation does not achieve a simplified plan of county government. Consolidated health units may not coincide with consolidated welfare units. Consolidated welfare units may not coincide with consolidated school units. The result is a picture of overlapping functional boundaries which the 1934 report of the Virginia Commission on County Government characterized as a "picture of local government as intricate as the erstwhile popular jigsaw puzzle." When the governmental picture becomes burdened with layer upon layer of special districts or *ad hoc* authorities, responsible government and democratic control become difficult, if not impossible of achievement.

DIFFICULT ADMINISTRATION

In the second place, functional consolidation makes difficult the work of the administrative officer in charge of such an *ad hoc* authority. He must deal with several boards of supervisors. He is dependent upon several boards for statement of policies and appropriations. At all times the unit itself is in danger of dissolution if all parties concerned cannot be brought into agreement. Under such circumstances it is remarkable that the administration of these units has proved as efficient as it has. Apparently, these movements are the best evidence of the inadequacy of the present county unit for the performance of these services and of the need for a larger unit.

There is little doubt of the wisdom of establishing judicial circuits which extend across county lines. But the problem with regard to the administration of justice, which is primarily a state function, seems to be on a different plane than health and school administration. Undoubtedly, much has been saved the taxpayers by such functional consolidations, but the fact cannot be ignored that these disadvantages are of the most serious nature.

STEP IN RIGHT DIRECTION

Functional consolidation is, however, a step in the right direction. It recognizes the inadequacy of the county as a unit for many of the services of county government. At the same time it creates units large enough to administer these functions. If these units can be so developed as to be co-terminous then the way is paved for geographical consolidation. Functional consolidation should be viewed as a transitional stage between the present county and the county of the future. Once these areas have proved their value, the insufficiency of the existing county as a unit of local government will become apparent and a more efficient, more economical and more adequate unit of local government will become a possibility.

Editor's Note.—Address delivered July 10, 1936, before the Tenth Institute of Public Affairs, University of Virginia, Charlottesville, Va.

Design for Country Living

Through planning rural America may yet be saved for less wasteful and more appreciative generations

PAUL W. WAGER

Chief, Land Use Planning Section, Resettlement Administration, Region IV

About two years ago C. A. Dykstra had a very inspiring article in the Review on the future of American cities. The article was entitled "A Greater City." It made one impatient with the ugliness, wastefulness and discomfort of modern cities and realize how through planning cities might be made attractive, comfortable and really fit for human habitation. It suggested to the writer how utterly void of planning has been also the development of rural America and how as a result the countryside, which is naturally beautiful and can be easily kept so, is in many places ugly, disorderly and unproductive.

Much of rural America is neither beautiful nor orderly nor economically stable because its resources have been exploited under a laissez-faire economy. For one hundred and fifty years our national policy, if it can be called a policy, has been to get all land, whatever its quality, into private hands. Unquestionably this policy has hastened expansion and development; but unrestrained exploitation of our natural resources has created many problems for the future—desolate wastes and ghost towns where once were great forests and booming industries, thirty-five million acres of land gullied beyond recovery by the ravages of erosion and one hundred and fifty mlllions more depleted of its fertility. Streams, once clear, are now dirty and sluggish with their burden of silt; game and fish, once so abundant, have become extremely limited, some species almost exterminated. Periodic dust storms warn of an inland desert unless grass is restored to the plains. There are abandoned farm houses and deserted villages where once were thriving communities, stranded populations because of exhausted mineral resources, rural slums characterized by living conditions as wretched as those of any city slum, isolated farmsteads on land so barren and unresponsive that the toil and sacrifice of the occupants never yield more than a meager existence. These are the conditions which exist because of unplanned and uncontrolled land use.

COUNTIES FORMED DURING EXPANSION

Most counties were formed during the period of expansion, when new territory was being occupied, new frontiers established. New units of local government were set up as a convenience to the frontiersmen. But when the burden of taxes began to be felt by the first settlers, they naturally sought to have the unappropriated land got into private ownership so that the cost of government could be shared by more people. The fact that the occupation of inherently poor land might prove a boomerang was apparently not

considered. In order to encourage settlement and hasten development a subsidy was sometimes voted to a railroad. The fact that the railroad might result in a more rapid depletion of the virgin resources caused no concern. While the timber was being cut money was flush, optimism ran high and frequently bonds were issued to erect public buildings and make other public improvements. Knowing that the policy of the timber industry was to "cut out and get out", it may appear strange that the taxpayers did not insist on a pay-as-you-go policy. But it seems to be a characteristic of local government to borrow when money is cheap and pay when it is dear. At any rate, the old forest belts of the Lake States, the South, and even the Northwest are dotted with ghost towns in the midst of vast expanses of cut-over land with little reminder of their former glory except the unpaid bonds.

PLANNING LAND USE

Even where the devastation has not been so complete, there are few counties that do not have within their boundaries many idle acres. These may be in the form of abandoned farms, fields within farms that have been rendered useless by erosion or exhaustion of soil fertility, depleted woodlands, run down pastures, poorly drained bottom lands, or land unused or only partially used because it is in the wrong type of ownership. There is not now and may never be such pressure of population upon the land as to demand its most intensive use. It is desirable however that all land be put to some use and thus made to contribute to the support of the community in which it lies. Certainly it should not be permitted to deteriorate.

A sound land use program for a state or a county involves the same principles as a sound land use program on an individual farm. A good farmer applies the greatest amount of capital and labor to his best acres and the least to his poorest acres. Thus he devotes his choicest land to the production of truck, tobacco, small fruits, and other crops which require a lot of attention; he cultivates rather intensively all his fertile, well-lying land following perhaps a three or four year rotation; on his next grade of land, which may be more subject to erosion or more easily depleted through cropping, he follows a longer rotation leaving it in grass half or more of the time; some of his hillsides and thin soils he keeps in permanent pasture, liming and fertilizing frequently to keep a good sod and protect against erosion; his roughest land he keeps in trees and quite possibly there is a low wet place on the farm which he has converted into a fish pond, or at least into a haven for partridges, pheasants and other forms of wild life. Not only is every part of the farm making its contribution but each is being handled so that the resource is enriched rather than depleted with use.

SHOULD UTILIZE ENTIRE REGION

So should the land of an entire region or county be used. There are fertile valleys and lands adjacent to the cities that should be intensively cultivated—the latter even though they are not inherently of superior quality. The areas of exceptionally fertile soil should be producing truck, dairy products, and cultivated field crops. The areas adjacent to towns should be in small farms —some of them part-time farms—with the emphasis on truck, small fruits, poultry and dairying. The second grade of land should be in larger farms with more mechanical and less hand labor—typically a general diversified type of agriculture. The third grade of land should be in still larger operat-

ing units—with more emphasis on livestock than tilled crops. Still lower in the scale would be the areas suitable only for grazing, and below that areas so rough or infertile that they should be kept in forests. There might even be swamp areas or mountain crests unsuited to forestry but a fine habitat for game.

Area planning would break down the land of a county according to its use capabilities. Then after the use-districts have been determined governmental policy can be shaped to encourage the type of use recommended. Sometimes an area too poor to sustain agriculture may be converted into forest use by getting it incorporated into a state or national forest. Or it may be converted into a county demonstration forest. If the latter, the land might be acquired through tax foreclosure, gifts, purchase and exchange. The poor agricultural areas may be gotten into a more extensive type of use by tax policies and discrimination in the location of roads and schools. The superior agricultural areas may be gotten into more intensive use by the same devices.

ECONOMY ADAPTED TO LAND CONDITION

Only when each type of land condition is supporting an economy adapted to that land condition can there be a generally satisfactory standard of living and stable communities. If there are more people living in the area than the resources can support, the resource base will necessarily be depleted.

But over-population does injury to the people as well as to the land. Economic pressure is reflected in malnutrition, children retarded in their school work, privation, loss of pride, and crime. America has its rural slums as well as its city slums and both are largely the product of maladjustments in land use. Neither can be eliminated until people are distributed in proper relationship to natural resources and employment opportunities.

INDUSTRIES AID COMMUNITY STABILITY

While the number of families to be supported by agriculture or forestry in a given area should be limited to those that can be supported under sustained yield practices, the number may sometimes be increased by a certain degree of industrialization. Agricultural products might be processed locally more often than they are. Creameries, canneries, grist mills, cotton seed oil mills close to the source of raw materials, add the cost of manufacture to the community income and thus provide support for additional families. The extension of electric current out into the farming districts increases the feasibility of this sort of thing. However, care must be exercised in establishing processing plants of this character. If the volume of business is too small, if the activity is seasonal, if a market for the product is not assured, the venture is precarious. Moreover, an establishment furnishing only part-time employment may create a relief problem instead of enhancing community income. Generally speaking, an industry that furnishes steady employment to certain members of the family is a safer proposition than one dependent on the part-time employment of heads of families.

A local wood-using industry which has a capacity no greater than the annual growth of the timber in the area it serves and which fabricates the material which it buys is the ideal in community stability. Many examples of such an ideal may be found in New England. There comes to mind Forestdale, Vermont. Here is located a wood-using industry making a specialized product—I believe it is spools—which has been in existence for seventy-five years. It is owned by local capital,

employs local labor, and buys the product of the farm wood lots of a considerable radius. The farmers have been encouraged to cut their trees selectively so long that now the forests are on a sustained yield basis and the timber supply for the industry is perpetual. With no denudation of the timber land, there is no silting of streams and reservoirs; there have been no serious floods; there is no tax delinquency; there has been neither inflation nor deflation of land value; and the community has hardly been conscious of the depression.

SUSTAINED YIELD IN FORESTS

The 170,000,000 acres in national forests are being restored to sustained yield as rapidly as possible. Moreover, the Forest Service is encouraging private owners to place their forest land on sustained yield. As an illustration, owners of 20,000 acres adjacent to the Monongahela National Forest in West Virginia are coöperating in a demonstration to this end.

Restored to sustained yield the forest areas of the United States can provide permanent part-time employment to perhaps a million families. Living in little neighborhoods of four to ten families on the edge of the forests or on the main forest trails they can enjoy a simple, wholesome and picturesque life close to nature yet within the reach of schools, churches and medical service. Devoting half of their time to the cultivation of small, self-contained farms they can produce an abundant food supply. Receiving a cash income for the other half of their time, they can provide their families with all essential comforts. There are not only vast areas in the United States that should be characterized by a forest economy with only enough agriculture to provide subsistence to the forest workers, but there are many small areas of similar character. The restoration to forest of these smaller areas of ten to fifty thousand acres that are better suited to forestry than agriculture, not only protects the land but lays the foundation for social stability. It transforms potential rural slums into pleasant, wholesome communities in a setting of sylvan beauty.

Similarly, natural pasture lands, restored to range and then not overgrazed, may support fewer people than are now there, but will support the smaller number more comfortably. Hilly areas demanding back-breaking toil and yielding low returns in cultivated crops, yet deteriorating steadily through erosion, can remain permanently productive when kept in grass. A livestock economy in such regions is therefore conducive both to conservation of resources and to human happiness.

REVITALIZE COUNTY GOVERNMENT

Perhaps nothing else can do more to give county government a new vitality than a land use plan. When citizens can be shown which portions of their county are now deficit areas and how each can be made self-supporting, they will support a program of government to effectuate that condition. It may mean that a few roads will need to be relocated, a few abandoned. It may mean the closing, through zoning, of certain areas of submarginal land to further settlement and assistance to a few families in getting relocated. It may even mean the withdrawal from agriculture of small bodies of good land if they are so isolated that their continued occupancy involves heavy governmental costs and needless privation for the families on these isolated tracts. It will mean rigid and consistent enforcement of tax foreclosure laws in order to discourage the speculative ownership of non-agricultural lands.

It will mean the consolidation of tax reverted lands through purchase and exchange in order to simplify their administration. Incidentally the improvement and development of land acquired by the county would permit the substitution of work relief for direct cash relief. It would also offer an opportunity for certain distressed taxpayers to work out their taxes. There is a great deal of other constructive work, such as road work and the improvement of school grounds, which could be done by delinquent and insolvent taxpayers. Even more beneficial than the work performed would be the gain in morale in the general body of taxpayers. It is conceivable that taxes might again be accepted as a normal and reasonable obligation rather than as a tribute to be avoided if possible.

WAYS IN WHICH COUNTY CAN AID

To encourage the fullest and best utilization of the land resources and their stabilization at the highest possible level there are other things that a county might do such as provide for coöperative fire protection, the teaching of vocational agriculture, and the rental of terracing and ditching equipment. It might even subsidize warehouses, processing plants, and lime grinding outfits, though it is generally better to secure these last mentioned benefits through voluntary coöperation. The least the county can do officially is to recognize and encourage these instrumentalities for improving the land resources and hence the tax base of the county.

County planning involves other things less tangible than physical changes in the land base but quite as important in increasing the productivity and hence the tax paying ability of a community. Chief among this class of items is to raise the level of the people in intelligence and skill. People with a fourth grade education make poor taxpayers. People with no trade or special training are severely handicapped in a competitive society. It is not without significance that a vast majority of the people on relief rolls are unskilled workers. In recent months many communities with heavy relief rolls have been unable to undertake constructive projects because the rolls contain no skilled workers. There are few counties that could not profitably give more attention to vocational training.

County planning boards, planned land use and rural zoning may be the instrumentalities which will not only give new vitality to county government, but which will remake the face of rural America. To check the wastage of soil fertility, to conserve and renew the forest resources, to reclothe the hillsides with a mantle of green and make the rivers and streams run clear again, to eliminate the rural slums, to bring the blessings of electric power to rural farms and villages, and to effect a balanced economy in every rural area are efforts worthy of the highest statesmanship. Indeed, the reclaiming of a continent should be as challenging as the initial conquest.

EXAMINES CORONER

(Continued from Page 584)

can be met only by the establishment of state medicolegal institutes such as have been recommended by the American Bar Association and the American Medical Association. The centralized institute should be part of the state university or public welfare system. To such an institute the district medical examiners could submit their problems for expert advice and their materials for scientific laboratory examination.

Rural Zoning In Wisconsin

Surveys, maps and public discussion precede the passage of zoning ordinances which raise problems of constitutionality and of administrative organization

MARY C. TRACKETT

Columbia University

AMONG the long-range measures inaugurated by local governments under the immediate pressure of economic exigency, county zoning—at work now in Wisconsin and California and contemplated in a number of other states—is one of the most interesting. The first attempts at county zoning in Wisconsin were patterned upon the California experience, when the Wisconsin legislature in 1923 passed the zoning enabling act permitting cities to zone their unincorporated periphery; under this authority Milwaukee county, in 1927, zoned the suburban fringe of the city of Milwaukee. However, the problems to which zoning has subsequently been applied are those of the great rural areas of northern Wisconsin, in the old lumber regions. The forests of these northern counties were "mined" by the lumber barons of the late nineteenth and early twentieth centuries, and the expected advance of agricultural settlement into the cut-over lands never took place as a permanent and prosperous affair. Haphazard settlement of the cut-over areas, based on industrial development and markets that left the region with the going of the lumberjack, led to recession of agricultural settlement, depopulation of towns and rural areas, tax delinquency, shrinkage of the tax base, and mounting per capita government costs. Thus, a major problem facing local governments is the reduction of government costs by compacting agricultural settlement; and the essential feature of the Wisconsin law is the fact that it zones against agriculture, providing for the actual removal from cultivation and habitation of (1) land submarginal for agriculture, and (2) land suitable for agriculture but located far from the centers of settlement.

The zoning enabling act was thus amended, in 1929, to permit any county to zone its land for agriculture, forestry, and recreation.[1] It was not until 1933 that advantage was taken of the new law, when Oneida County enacted its ordinance—the first county in the United States to pass regulative legislation involving undeveloped and strictly rural land. The movement spread rapidly; the Oneida County ordinance of July 1933 was followed by a similar ordinance in Vilas County in January 1934, and in Langlade County in March 1934. By June 1936, twenty-three counties had approved zoning ordinances and a total of 4,668,760 acres had been closed to agriculture.

PREPARATION FOR ZONING

The mechanics of zoning a rural county involve two distinct parts, the first connected with bringing about the passage of the ordinance, the second with its administration. The initiative

[1]Wisconsin Statutes, Chap. 59.97.

is taken by the county board of supervisors. In Langlade County a resolution adopted in July 1933 instructed the county forestry committee, the county agricultural agent, and the district attorney to "secure the active cooperation of the University of Wisconsin and the conservation department in the preparation of a tentative zoning ordinance for Langlade County to be submitted for consideration of the board of supervisors at their annual meeting in November, 1933."[2] In Taylor county a resolution of November, 1930, provided for a county land committee, consisting of the county treasurer, the county clerk, a member of the forestry committee, a member of the finance committee and the county agent to act as the formulating and administering agency for a proposed zoning ordinance. The procedure has been essentially similar in other counties.

PUBLIC AGENCIES PREPARE SURVEY

"Active coöperation" of the University of Wisconsin and other public agencies has involved not only the faculty of the College of Agriculture, but the State Department of Agriculture and Markets, the State Conservation Commission, the State Geological and Natural History Survey, the Lake States Forest Experiment Station, and the Department of Public Instruction. These agencies, in the time between the adoption of the resolution and the passage of the zoning ordinance, prepare a more or less thorough survey of the county to be zoned. The resolution passed by the Marinette county board indicates the scope of this investigation: "An economic survey . . which will tabulate by townships their trend of agricultural development, local tax expenditures, assessed valuations, roads and school facilities from 1914 to 1928, present maps of soil classification, settlement, crop acreage, forest areas and idle lands."[3] This survey has not always been so thorough as the resolution would imply, but in a few of the counties a very extensive field study was performed: soils experts from the College of Agriculture examined and classified soil types with reference to their usability for agricultural crops and forestry; representatives of the Geological and Natural History Survey examined and classified the lakes and rivers, together with the fish and marine vegetation in them; the forest cover and the grasses and flowers of the county were inventoried and examined for trends in disease, and drouth effects were noted; the game ranging the county was considered; and the topography and geological situation of the county were examined by experts. At the same time, an economic survey was made; maps were prepared by people from the College of Agriculture through field surveys, showing the ownership of land—whether in public or private ownership, whether entered under the Wisconsin Forest Crop Law[4] or assessed as timberland, and whether tax delinquent or not. Maps were made of operating and abandoned farms, of the markets and schools of the county, of the public utilities, and of special industries such as wood-using industries in a timber county.

ZONING ORDINANCE BASED ON MAP

When this work had been done and put into usable form the committee appointed by the county board prepared a zoning map from the material assem-

[2]"Langlade County: A Survey of its Resources and their Utilization," Extension Service Circular, Madison, 1934, pp. 59-60.

[3]"Making the Most of Marinette County Land," Special Circular, Extension Service, Madison, 1934, p. 1.

[4]For a description of this law, see "The Forest Crop Law," State Conservation Commission, Madison, 1929; also, "Forest Land Use in Wisconsin," Report of the Executive Committee on Land Use and Forestry, Madison, 1932, pp. 91-95.

bled; this map, which specified the use (in terms of agriculture, forestry, and recreation, *i.e.*, restricted and unrestricted areas) of every "forty" in the county, was then made the basis of the zoning ordinance. The preamble of the ordinance read, "An ordinance regulating, restricting and determining the areas within the county in which agriculture, forestry, and recreation may be conducted, the location of roads, schools, trades and industries, and the location of buildings designed for specified uses, and the establishment of districts for such purposes, and the establishment of set-back building lines outside of the limits of incorporated villages and cities" and referred to the zoning map as being "as much a part of this ordinance as if the matter and things set forth by said map were all fully described herein". No further compilation was thereafter necessary, for, under the Wisconsin law, the county board may enact zoning just like any other ordinance. However, it has been thought better to bring the matter more directly before the people, and in each of the counties zoning has been put across by an extensive educational program based on the land economic survey. The results of the work, including maps, charts, and carefully prepared discussions of the significance of these materials, were compiled into various types of circulars and distributed through the State Department of Agriculture and Markets and through the extension service. These circulars, distributed without charge and used particularly by the county agent and the county board members to explain to individual farmers how zoning would ultimately reduce their taxes, undoubtedly exerted an important effect in the counties which now have zoning ordinances.

PASSING THE ORDINANCE

The map and ordinance were presented directly to the people of the county, at town meetings organized by the town chairman and supervisor. The procedure in Langlade county is typical; members of the forestry committee, the county agent, and the extension forester of the College of Agriculture were at the meetings to explain zoning and present the preliminary draft of the ordinance and map. These preliminary meetings in the first place helped to acquaint the people who later would live in the zoned areas with the objects and purposes of zoning, since the tentative ordinance and map together with the supporting data from the survey were presented for open criticism and suggestions. In the second place, the people had an opportunity to participate directly in the drafting of the ordinance and delineating of the zones so far as their particular town was concerned; in fact, in later instances no tentative map was presented and the people, under the guidance of the county agent and the Agricultural College representatives, drew up both map and ordinance themselves.

COUNTY-WIDE HEARING

Following these meetings and the final drafting of the zoning ordinance and map, a final county-wide hearing was held so that all citizens might have an opportunity to voice objections and to have further questions answered. After these meetings had been held and after all town boards had approved the ordinance, the county board passed it, to become effective after publication (usually two or three months later) in the local newspapers.

ADMINISTRATION OF THE ORDINANCE

Administrative problems and mechanisms center upon non-conforming uses; due to the provision that zoning ordinances are not retroactive, the residents of restricted areas must be provided with governmental services as long

as they continue to farm the land. Under most of the ordinances, the committee charged with zoning acts as the administrative body; it draws up a list of established non-conforming uses which is published in the local press, becoming official unless challenged within thirty days; and it prescribes regulations designed to enforce the zoning ordinance, setting up machinery to detect and prosecute violations. Its main objective is to make settlement within the county more compact; the enabling act provides for relocating isolated farmers by allowing the county board to exchange land acquired by tax deeds "for other lands in the county for the purpose of promoting the regulation and restriction of agricultural and forestry lands." A further duty of the administrative committee is to construct a forestry policy for the county. Langlade County has established six county forests, blocking off forest areas; Marinette County has entered forest areas under the Forest Crop Law, and most of the counties have taken steps to permit federal or state forestry. The administering agency finally sets out to reduce government costs by consolidation of school districts and planned control of roads and other services.

PROBLEMS RAISED

Two highly interesting problems are raised by this new departure in local government; the first is the question of the constitutionality of such a major extension of the police power, the second is the new administrative organization required if the movement is to be successful. There are no clues, from test cases or established precedents, to the validity of the law, and individual opinion is divided on the issue. An opinion rendered by the state attorney-general approves the movement: "The cut-over areas of northern Wisconsin speak as eloquently against haphazard development as any city condition. The spotting of these lands with remote or abandoned farms, resulting in sparsely settled districts with insufficient population or value to support roads and schools or to afford the comforts of living that this day should give to all; the misdirected efforts to farm lands not well suited to agriculture, with resulting personal grief and social loss; the far-reaching economic ill effects of stripping the state of timber, the fire hazard of the cut-over lands, and the fire hazard of human habitation in their midst, all cry out for planning, for social direction of individual effort."[5]

If the movement accomplishes its economic objectives it seems likely that the courts will ultimately accept it, though it may have the same sort of precarious legal existence that municipal zoning had for a decade or more. Thus, the administrative problem is vital to the success of the movement. The very best prospect for adequate administration of zoning would involve a home-rule amendment to the state constitution and the adoption of the county executive form of government. This, combined with consolidation of counties,[6] would allow counties to obtain the two essentials of effective zoning administration—an administrative unit of the proper size and characteristics, and a centralized, responsible, expert and inexpensive administration.

---

[5]20 Attorney-General's Opinions, 751, September 12, 1931.

[6]Bill passed July 19, 1935.

The Planner Faces A New Job

Planning for rural counties introduces many problems never confronted by those planning for urban areas

CHARLES J. CALROW *Consultant-Director, Virginia State Planning Board*

MUNICIPAL planning is and, for some time, has been accepted as a function of government. County planning for urban type counties has reached approximately the same stage of acceptance if not of practice. Planning for rural counties is, however, a phase of governmental activity of more recent origin. Wisconsin, which has led in the rural county planning program, was probably the first state to have a county zoning ordinance treating rural and essentially undeveloped lands. Oneida County, Wisconsin, passed the first of such ordinances in 1933.

County planning for urban counties is generally only a modification of city planning as it has become familiar to all. There is essentially nothing different in planning the suburban areas in a metropolitan district from the planning of the nearby city. In fact, where the planning is properly done there is a common plan applying both to city and those of its suburban areas which lie in the county and outside of the municipal boundaries. Nor is there any material departure from the principles of town or city planning when a thickly-settled, unincorporated area is under consideration. There is, however, somewhat of a change in the problem when the purely rural areas are under consideration by a planning body, and these departures from city planning practices are the subject of this article.

The final results of city planning become evident in two fields of effort having almost entirely to do with physical plans, and consequently related to one type or the other of land use. One which for lack of a better term may be named the "positive" type, is that in which the land use is definitely determined as a public use and such private property as might be needed for carrying out the plan would be acquired by negotiated purchase or by the exercise of the right of eminent domain. Planning for works of this type may and usually does include:

(a) The organization and arrangement of traffic facilities such as streets, parkways, bridges, wharves and so on;
(b) The arrangement and location of parks, playgrounds and other recreational centers;
(c) The location and types of public structures both cultural and service;
(d) The selection of type, site and arrangement in general of those works owned by and operated for the benefit of the people of the community.

In this "positive" field of physical planning there is nothing dissimilar between city and county planning except in so far as planning means of communication is affected by state plans for point-to-point highways. There is nothing essentially different in the principles of planning a public works program for a county from the planning of a like program for a city.

When, however, the county planners venture into the other field of planning which may be termed the "prohibitory," it will be noted that marked differences arise between city and rural-county planning. In the "prohibitory" field of planning the attempt is made to regulate the use of private property for the benefit of the community without public assumption of the burden of ownership. Such planning is carried into effect by the adoption and enforcement of suitable zoning ordinances. Hundreds of such ordinances have been adopted. In many cases they have been passed upon by the higher courts of the land, and the general principle of zoning with reference to land use and the regulation of improvements on land has been accepted by higher legal authorities.

UNDERLYING PHILOSOPHY

In the case of urban zoning, the fundamental and underlying philosophy is that the use by the private owner of his own property shall not adversely affect public health, morals and safety. This fundamental principle has been somewhat expanded by a number of decisions, but in general in such regulation of land use as is covered by the urban zoning acts and ordinances, the general theme is the protection of society against the unsocial act of the nonconforming individual. In none of such regulations is there any attempt to protect the individual from the consequences of his own unwise acts.

In rural county planning the major planning problem is that the working out of well-ordered schemes for land use involves the setting aside as unfit for certain uses lands which may not profitably be employed in said uses. This type of planning involves a predetermination of the potential productive value of such land based on soil types and depth, topography, water supply and a number of other factors. The city planner has been confronted by no such problem, as the profitable use of land has been none of his concern, the only phase of land use in which he was interested being the effects on the whole locality of certain misplaced types of occupancy or structure. It would seem to follow that the practice of county planning promises to be much more difficult than that of urban planning as hitherto carried on.

There have of course been some objections to this thing called county planning. It has not yet received the accolade of public recognition such as has been given urban planning. It is even protested on the ground that when it steps over into the field of prohibitory zoning regulation it is dangerously near being illegal. Such protests were made against urban zoning.

All zoning regulations are enforceable under a general right inherent in and appertaining to the existence of a sovereign power. American jurisprudence recognizes as a fundamental right of that social organization known as the State the existence of a comprehensive power not necessarily laid down in the written constitution. This is the police power and it has been defined as follows:

> We think it is a settled principle, growing out of the nature of well-ordered civil society, that every owner of property, however absolute and unqualified may be his title, holds it under the implied liability that his use of it shall not be injurious to the general enjoyment of others having an equal right to the enjoyment of their property, nor injurious to the rights of the community. All property in this Commonwealth is . . . held subject to those general regulations which are necessary to the common good and general welfare. Rights of property, like all other social and conventional rights, are subject to such reasonable limitations in their enjoyment as shall prevent them from being injurious, and

to such reasonable restraints and regulations established by law as the legislature, under the governing and controlling power vested in them by the Constitution, may think necessary and expedient. . . . The power we allude to is rather the police power; the power vested in the legislature by the Constitution to make, ordain, and establish all manner of wholesome and reasonable laws, statutes, and ordinances, either with penalties or without, not repugnant to the Constitution, as they shall judge to be for the good and welfare of the Commonwealth, and of the subjects of the same. It is much easier to perceive and realize the existence and the sources of this power than to mark its boundaries, and prescribe the limits to its exercise.[1]

PROPER USE OF POLICE POWER

The question which arises in connection with rural land zoning is as to whether this type of regulation qualifies as a proper use of police power. The Wisconsin authorities have contended that it does and its courts have stated:

> In this day none will dispute that government in the exercise of its police power may impose restrictions upon the use of property in the interest of public health, morals and safety. That the same restrictions may be imposed upon the use of property in the promotion of the public welfare, convenience and general prosperity is not so well understood, but, nevertheless, is firmly established by the decisions of this and the federal supreme court.[2]

A further point may be made against rural land zoning to the effect that the unprofitable use of land only damages its owner and in no way affects public interest and, consequently, the application of the police power to prevent such use is unreasonable. The general principle that the exercise of the police power should be reasonable is well understood and probably by none so well as the advocates of rural zoning. These advocates of rural zoning will admit that if improper use of land placed no burden on the county or state, if there was no demand for roads and schools and other public works in remote places or in areas in which the costs of services demanded or needed were excessively disproportionate to either the numbers served or the benefits obtained, then such regulation would be unreasonable. But, they contend, where the call is ever present and insistent that services be supplied at the public expense which, if there were a better plan and better ordered arrangement of land use, could be avoided, then the matter becomes one of public importance and a community affair, and an application of the police power to cure this situation is reasonable and just. The burden placed upon the state or county of maintaining schools, roads and services for areas in which the resources are not sufficient to pay for the services demanded brings the zoning of such areas against agricultural and homestead use within the condition that zoning should be in the interest of the promotion of the public welfare, convenience and general prosperity.

The defenders of comprehensive county planning, it will be recognized, have coupled the questions of control of individual property rights and state services to the individual and say that the controlling factor should be that of the cost-benefit ratio—public costs against private benefits—and in doing this they have relied upon a doctrine as old as the social order itself, i.e., the right of society to protect itself against the consequences of the acts of an unsocial member.

The statement that there is nothing essentially different in principles of planning a public works program for a

[1]Chief Justice Shaw, *Commonwealth vs. Alger,* 7 Cush. 53.

[2]Owen, J. in State, ex rel, *Carter vs. Harper,* 182 Wis. 148, p. 154.

rural-county from the planning of a like program for a city should be qualified. There is one important difference which arises from the necessity of developing a sound, positive program for land use to which all programs for public works should be related. In all rural-county planning, land use planning comes first and to this factor major attention should be given. The plans for land use will very largely control future distributions of rural populations and the needs for public buildings, schools, roads and recreational areas and other facilities required for the services of the people. Furthermore, the county, unlike the city, has fixed bounds and therefore county plans must have a greater degree of finality than the plans of a growing urban community. County planning may vary with time in interior detail but not in extent.

There is still another factor which will affect county planning which is not always present in the case of city planning and that is the need for consideration of similar planning efforts in adjacent political subdivisions. Rural-county planning stands in especial need of coördination with collateral work if it is to be successful.

There is no reason why sound county planning should not be done, but on the contrary, many reasons why, if properly followed, it will be of much profit to the social units involved and their people as individuals. If reasonable in its application it should meet with general public approval just as has city planning and generally its reasonability will be proportionate to the intelligence with which it is done.

One of the chief deterrents to the extension of rural county planning is the lack of planners with special training needed for this work. There is an existing need for men with such special training.

A PERSONNEL PROGRAM

(Continued from Page 600)

pervisors, is of no great moment. Although theoretically the mayor might be in a better position strategically to select a personnel director than the council or board of supervisors, as a practical matter the political organizations will control the selection in either event. The selection of the personnel director from among persons peculiarly qualified in personnel administration after competition is extremely advisable. There is no safer method of obtaining one who is qualified and free from political, social or personal ties. How well administered the personnel system will be will depend in large measure on the capacity, resourcefulness and sympathy of the personnel director with the merit system—not alone on his knowledge of technical practice and procedure.

Much has been written and preached about the great need of consolidation of county and local units of government, and economy in their administration. Of course, it will take some money to operate a personnel agency properly in county government. But the money could not be more wisely expended. It is by no means just another financial burden. Its successful administration will result in sufficient savings to make up more than the cost of its operation. It is the best investment the county taxpayers can make.

LETTER TO THE EDITOR

Stockmen Disagree on Effects of Federal Land Purchase

I have read with considerable interest Dr. Renne's article in the NATIONAL MUNICIPAL REVIEW entitled "Probable Effects of Federal Land Purchase on Local Government." I desire to congratulate him upon the usual fine manner in which he has presented the subject.

There are some points, however, upon which I do not entirely agree with him. In computing the amount of revenue that will come to the counties under the federal land purchase program the figures are probably not too high after the plan has been in operation for a number of years. It will take, however, a long time to build up the ranges and to overcome the bad effects of the years of drouth. Furthermore, there will have to be a considerable number of adjustments in the operating units of the stockmen who, it is presumed, will utilize the grazing areas. Until that time comes the values will be much lower than those indicated in Dr. Renne's paper.

I wrote a number of stockmen in the Musselshell area asking their opinion of the figures presented. I stated the case to the stockmen as follows:

"The Montana Experiment Station through the Department of Economics has estimated what the lease returns will be from the various classes of land purchased. According to their estimates, range land of various grades with the average farm beef price 6¾ cents per pound should lease as follows:

Experiment Station Estimate

Grade	*Cows or Steers Per Section*	*Lease Return*	*Your Estimate of Lease Return*
1	40	$100.00	$.....
2	25	70.00	$.....
3	20	50.00	$.....
4	15	38.00	$.....
5	10	22.00	$.....

"In 1935 there were twenty-one sections in Musselshell County that were leased by the county for an average of $54.00 per section; forty-three sections in Golden Valley for $37.00 per section; sixty-two sections in Petroleum for $32.00; and thirteen sections in Wheatland for $44.00 per section. The county income for these leases corresponded approximately with the lease value computed for the land on the classification basis made by the Experiment Station."

I asked them to fill in their estimate of the lease return and to make such comments as they desired. Here is a digest of some of the replies: One stockman of Flatwillow estimated the lease returns to be $80, $50, $40, $30 and $20 for range land grading from 1 to 5. He bases his estimates on ability to pay over a period of ten or more years of fluctuating prices. A Shorthorn breeder near Roundup declared that the lease returns which Dr. Renne indicated were not any too high for ten year periods of leasing with privileges of renewing. He stated: "The matter of value rests largely on the terms; short lease is what is making it a dog-eat-dog proposition over grazing, etc. I am quite sure the counties could lease all their land if they would lease on long terms and in blocks. I am more in favor of counties buying land and trading with individuals in order to block up pastures than in selling to the government." A Petroleum County stockman stated that the lease returns indicated by Dr. Renne were about 25 per cent too high and that in his county and that of Musselshell all the grazing land would be in No. 4 or 5 class. He based his figures on what it would cost the rancher to keep his stock on his place for the three winter months and the raising of the steer until he is three years old. A prominent stockman near Harlowton states that the lease returns indicated are about 30 per cent too high. He calls attention to the fact that the county income from their leases was considerably higher because it controlled water and gave the lessee access to other range which was open and consequently could be used at no cost. Lands of grade 4 and 5, he states, are of little value at all. He was quite bitter in his criticism of the government policy. One of the most progressive stockmen in Golden Valley County wrote me that they run all their cattle on owned or leased land wholly fenced. The No. 3 land is the very best they have and they figure about fifty acres per cow. He speaks quite highly of the importance of long leases and controlled grazing.

One of the most experienced land agents

in the area declares that with long-term leases the stockmen could well afford the estimated rentals if the beef prices were as mentioned. He gives some interesting figures to prove his point.

Another stockman says: "I cannot see how the government under the present program can make any estimate that we could depend on. My judgment as a stockman and taxpayer for over forty years is that both the stockman and the county will be better off under county management." Other stockmen give figures approximately 20 to 25 per cent less than those Dr. Renne indicates.

In the article I note the following statement: "A total of 148 resident owners or 14 per cent of the total in the county have optioned their lands to the government, and will probably move out of the county if the sales are completed." Associated Press dispatches have indicated that the resettlement program calls for a moving of some of these settlers to irrigated tracts at Fairfield and other sections. This was recently pointed out at a meeting at Terry that I attended. Mr. Starch denied that there would be any attempt on the part of the Resettlement Administration to move the settlers out of the county, yet that is actually what has occurred. The irrigation development is lagging so far behind the purchase of submarginal tracts that it is impossible to find satisfactory resettlement in the counties where the purchases are being made. The settlers whose houses and farm buildings are being torn down as the lands are purchased have either moved out of the county or into the county seat. In the latter case they have become a relief burden. The shrinkage in taxable valuation has increased the load on the remaining property and the shrinkage in purchasing power through the removal of the settlers is having its effect on the business of the community. It seems to me a little inconsistent for the government to propose that in the creation of an irrigation project that an improvement district should be created calling for all of the property that might be benefited by the construction of the project to pay for the same and yet when a land purchase program is instituted no compensation be paid to the business whose profits are wiped out through the removal of the population from its territory.

Prairie County has no net indebtedness. Therefore, whatever money it receives from the sale of county lands this year will go into various funds and probably reduce the levies slightly this year but due to the fact that more money is available than usual, increased demands will be made upon it and the county will have nothing to show for money it has received within a year or two.

It is true that the costs of county government can be reduced if adjustments in local government are made. However, the federal land purchase program is entirely optional and while it will be possible to close some schools with the removal of the settlers, as long as the federal government doesn't secure complete control of 100 per cent of the land within a given area, there will always be the opportunity for the remaining private land owners to catch a new crop of settlers after a year or two of rainfall and we'll have a repetition of the tragedies of past years.

A state zoning act, of course, is the only solution to this particular problem. Local people are beginning to look rather critically upon these programs because of the large expenditure of federal funds in getting them under way. At the meeting at Terry there were twenty-seven people present; twelve of them were government employees, not including the county commissioners and the county clerk. The statement was made to me that quite a crew of appraisers and others engaged in the land purchase program had been working in Prairie County for some months and riding back to Miles City every night because accommodations were more satisfactory. While the expense of getting the program under way is not charged against the counties themselves, all taxpayers will have to pay their proportionate share of the expense.

Yours sincerely,

Fred Bennion,
Executive Secretary,
Montana Taxpayers' Association.

RECENT NEWS REVIEWED

NOTES AND EVENTS

Edited by H. M. Olmsted

Manager Plan Developments.—Owensboro, Kentucky (22,765 population) will vote on the adoption of the council-manager plan on November 3. A petition has been filed with the city clerk of Yonkers, New York (134,646 population) requiring a referendum at the general election on November 3 on a proposal to adopt a council-manager form of government for that city. The Committee of One Hundred, a non-partisan citizen organization, is backing the council-manager plan.

*

State League Opens Campaign Information Bureau.—In view of the grave financial situation of cities in West Virginia under the tax limitation law and its method of administration, the West Virginia League of Municipalties has created a Campaign Information Committee to acquaint city officials, municipal employees and urban voters with the records or background of all candidates for state offices dealing with city affairs, and likewise to acquaint the candidates themselves with the needs and problems harassing the municipal governments.

*

Assistants for City Managers.—A survey made recently by the International City Managers' Association shows that only 33 of 98 city managers questioned reported that they had assistant managers, and a number of these assistantships carried the title of secretary only.

Of the 33 cities which reported having assistant city managers, 5 are under 10,000 population; 10 are cities of 10,000 to 50,000; and 18 are over 50,000. Two-thirds of the assistant managers have been appointed to their present positions since 1932.

There is considerable variation from city to city in the duties and responsibilities of the position of assistant city manager. In Ames, Iowa, city of 10,000, he performs duties involving engineering work and general administrative affairs. The assistant manager of Bristol, Virginia (9,000) attends to all office details, purchasing, and water department billing. In Charlottesville, Virginia (15,000) he devotes most of his time to public works. It is mainly in the larger cities such as Cincinnati, Dallas and Dayton that the assistant city manager is in fact and deed an understudy.

Two main advantages accrue from the appointment of real assistant city managers, according to Clarence E. Ridley, executive director of the association. Not only can the city manager be relieved of some of his routine duties leaving him free for more important affairs, but the assistant can train himself for a managership through practical experience. City managers should make this contribution to a career system in government, Mr. Ridley believes.

*

Unemployment Compensation Administration Costs.— Administration of the unemployment insurance law costs Wisconsin employers an average of $2.24; in New Hampshire this cost is $6.60. The cost per employee is 2.7 cents and 14 cents respectively.

A report on the administration of unemployment insurance in the two states has just been published by Public Administration Service. It is based on a survey conducted by the Committee on Public Administration of the Social Research Council. The report is an introduction to a survey of unemployment compensation administration scheduled to be

extended to twelve or fifteen other states. Wisconsin was chosen as one of the states for study because its law is the oldest, having been in effect over two years. Unemployment insurance benefits have already been paid there. New Hampshire was selected because it has been collecting both employer and employee contributions for unemployment insurance since the first of the year.

The wide disparity in unit cost of administration is due mainly to the fact that New Hampshire requires that detailed employee reports be kept in the central office, whereas Wisconsin does not.

The committee hopes the experience of these two states and others which will be examined will enable it to answer the really important questions about the administrative machinery for handling unemployment compensation: whether satisfactory records can be secured without current reporting of individual employee data to the central office, and what type of plan will be least burdensome to the employer and the employee.

*

An Interstate Town Report Competition.—The Vermont State Chamber of Commerce has sponsored a town report competition between the towns of Maine and of Vermont, for the year 1937. It is proposed that the governor of Rhode Island and the members of the Rhode Island Tax Commission be invited to serve as judges. Ten points are stressed as the basis of award, as follows: novelty and attractiveness of cover, general appearance and orderly arrangement, setting up of a budget, presentation of balance sheet and financial status, summary of notable achievements of the year, quality and substance of department reports, historical and statistical data, schedule of distribution of expenditures over series of years, graphic methods of presentation of facts, and a planning report.

*

Intergovernmental Coöperation for Park Development.—A further manifestation of the coöperative trend between federal, state, and local governments is the measure passed by the last Congress authorizing the joint development of park lands. Although no appropriation was provided, it furnishes a basis of official coöperation, and the United States Park Service is now undertaking a survey to determine what federal lands, exclusive of those under the jurisdiction of the Department of Agriculture, may be suitable for state and local parks.

*

Schools for Traffic Officers.—Two schools for training traffic police were held this summer in the South and New England. The Southern Traffic Officers' Training School, at the University of Alabama in July, graduated seventy-nine police officers who represented every southern state but two. The New England Traffic Officers' Training School, sponsored by the Harvard Bureau for Street Traffic Research and the International Association of Chiefs of Police, had an advance enrollment of more than seventy-five officers. Tentative plans are under way for a similar regional traffic training school to be held at Rutgers University, in New Brunswick, New Jersey, next spring.

Northwestern University's Traffic Officers' Training School, pioneer in the field, will hold its fourth annual session in Evanston, October 12-24. Enrollment in the basic course will be limited to sixty police officers, but twenty officers who have scored high grades in previous attendance at the school will be invited to take an advanced course, never before scheduled, which will provide specialized study on certain phases of the traffic problem. Another new feature of the Institute this year is the highway patrol officer's training school, which will be held in November.

A number of fellowships have been offered at the university's traffic safety institute, under a grant of the newly established Kemper Foundation, for the school year beginning in October.

Student Apprentices in Los Angeles County.—The board of supervisors of Los Angeles County, California, has increased the student apprentices in the county government from four to eight. Several years ago, the board agreed to apprentice one student from each of the four large universities in the state to the county's Bureau of Efficiency. After a year of practical training, the apprentices were to get a chance at regular service for the county or were to be recommended for government employment elsewhere. A check of the record revealed that all except two of the men who served

as apprentices during the past three years have entered permanent positions in the county service and those two are in governmental work elsewhere.

The city of Los Angeles may follow the county's example with a similar plan, if its council approves the mayor's charter amendment recently submitted, for assigning college-trained apprentices, chosen by competitive examination, to administrative departments of the city government for two-year appointments.

Michigan's Civil Service Proposal.—Passage of the merit system bill, drafted by the bi-partisan Civil Service Study Commission which has just completed a lengthy study of personnel administration in Michigan state offices, will be up to the legislature of that state, upon assembling in January. The civil service measure proposed would cover approximately all the 14,000 state employees. Only elective officials, appointive executives, the state police—already under a merit system—teachers, and a few minor classifications are excluded. Administration of the system would be by a commission of four members, with provisions against control by any political party. Those persons now holding state jobs that would be included under civil service would have to qualify in open tests to retain them. A million-dollar saving each year is predicted for Michigan if the bill is adopted. The saving includes political assessments on spoils-appointed employees, upwards of $500,000 a year dissipated through the loss of experienced workers and the training of new ones, absence of payroll classifications, etc.

*

Increased City Land Holdings Present Management Problem.—A recent report of the Boston Municipal Research Bureau, prepared under the direction of its secretary, H. C. Loeffler, stresses the problem of looking after the real estate holdings of that city, which have been greatly increased by $1,161,000 worth of property falling into the city's hands because of non-payment of taxes. The report advises making a permanent and separate agency of the real estate division created in the public buildings department last fall.

Cities having full-time real estate agencies, according to Elton D. Woolpert in *Public Management* (International City Managers' Association), include Chicago, Los Angeles, San Francisco, Milwaukee, Newark, Rochester and Asheville. The obvious duties of such agencies include the keeping of complete and accurate records of all city-owned property and assisting in condemnation and purchase proceedings; but they can also work to increase revenues from such property while in city ownership, watch for favorable opportunities for sale, or for exchanges that will provide the city with tracts that it can use to better advantage for public needs, and keep advised on prospective needs of the city for land, so that any property which the city can reasonably expect to use in the future will be retained in the event of tax foreclosure.

*

Coöperative Police Radio.—The developing need for inter-city and inter-county police radio hook-ups is being dealt with practically in California. According to Mayor C. T. Johnson of San Bernardino, writing in *The Western City,* the counties of Riverside and San Bernardino and the cities of San Bernardino, Riverside, Redlands, Colton, Elsinore, Corona and Hemet have been working on a joint program to provide police radio service for these cities and the sheriffs' forces of the two counties, as well as other cities in these counties that might care to participate. A somewhat similar arrangement is now in effect in Los Angeles County, where the police broadcasting system of the City of Los Angeles serves several of the adjacent smaller cities on a contract basis. The proposed San Bernardino-Riverside Counties system presents a different situation, as there is no dominant metropolitan city system and the technical problem is intensified by the great distances involved, especially as San Bernardino is the largest county as to area in the United States, the furthermost east and west points being 250 miles apart.

*

Attempt to Prevent Vote on New York Charter.—An expected move to delay action on the new charter for New York City prepared by the charter revision commission was an application for a writ of mandamus to prevent the board of elections from submitting the charter to the voters in November. The action was brought by Jackson Dykman,

attorney, for a taxpayer, Edward J. Mooney.

Supreme Court Justice Dodd of Brooklyn issued the mandamus sought, ruling that the law creating the New York City Charter Revision Commission was unconstitutional and requiring the board of elections to omit from the voting machines both the proposition on the charter and the one on proportional representation. The ruling was based on the principle that the state legislature cannot delegate its law-making power either to a commission or to the people.

An appeal was made directly to the Court of Appeals which on October 6, rendered a unanimous decision declaring the law constitutional. A city-wide campaign for the charter is being conducted by the Citizens' Charter Campaign Committee under the direction of George Brokaw Compton. Mr. Compton is assisted by a staff and by a speakers' bureau directed by Allen H. Seed, Jr., civic secretary of the New York City Club.

An organization committee of fifty prominent citizens headed by Morgan J. O'Brien, former presiding justice of the appellate division of the New York State Supreme Court, was formed late in August. Members included Richard S. Childs, Dr. Harry Emerson Fosdick, Louis K. Comstock, president of the Merchants' Association, Mrs. Mary Simkhovitch and many other leaders in business, civic and social work.

*

Merit System Proposals and Progress.—A constitutional amendment establishing the merit system for the state, counties and cities and for port, school and park districts, is to be voted upon in the state of Washington in November. A constitutional amendment will be acted upon in California at the same time which will, if passed, establish civil service systems in counties and municipalities in that state. Likewise the city of Rahway, New Jersey, will vote on the merit system for the municipal government.

According to the Civil Service Assembly, the state of Arkansas is looking toward the establishment of a merit system, and the Democratic nominee for Governor has appointed an honorary civil service commission to prepare an appropriate law. In Portland, Oregon, a civil service charter amendment has been drafted, and in Duluth, Minnesota, an ordinance placing the bureau of labor under the merit system is contemplated. In Tucson, Arizona, the Central Trades and Labor Council is advocating the merit system. In Racine, Wisconsin, a civil service ordinance has been prepared. In Detroit, Michigan, the House of Correction employees go under the merit system soon, and the Detroit Municipal Employees Club is urging the merit system for Wayne County. Wauwatosa, Wisconsin, has passed an ordinance placing non-elective employees under the merit system.

A report of the United States Civil Service Commission states that as of June 30, 1936, there were 498,725 positions in the executive civil service which were subject to the competitive requirements of the civil service act and rules, and 325,534 positions in the unclassified service, including positions in the emergency agencies and works programs as well as positions of longer standing The number of positions in the competitive service is the largest since 1919 and increased by more than 43,000 during the past fiscal year.

*

Set-Back for Wisconsin Home Rule.—Home rule for Wisconsin cities and villages as granted by the constitutional amendment ratified by a large majority of the voters of Wisconsin in 1924 was given a decided setback by the decision of the state supreme court in the recent case of Van Gilder vs. City of Madison, 267 N.W. 25. A companion decision was rendered in the case of Logan vs. City of Two Rivers, 267 N.W. 36.

The Madison case introduced the question of whether the salaries of members of police departments should be under the control of the state legislature or should be determined by the city council. The court held that the fixing of policemen's salaries was a matter of state-wide concern and that therefore an action of the legislature overruled any attempt to fix salaries by the common council.

In Wisconsin the state does not subsidize local police departments in any way, nor has it set up any machinery to supervise or perform police functions. All efforts to establish a state police force and in fact even efforts to create a state bureau of identification have all been rejected by the legislature.

A decision of the supreme court in this case was very largely contrary to the prece-

dent built up in other home rule states where the courts have held that if the state were to interfere in local police matters it must assume complete administrative and financial responsibility.

This interpretation by the court is contrary, too, to the intent of the League of Wisconsin Municipalities which framed and sponsored the constitutional amendment, and is also contrary to the legislative intent in submitting the question to a referendum, as evidenced by official communications to the legislature from individuals who were governor and attorney-general of the state at the time of its adoption.

This was a reversal by the court since in a 1926 decision it stated that the home rule amendment to the state constitution "should have a liberal construction looking toward virility rather than impotency". In the case just decided the court admitted that its decision "leaves a rather narrow field in which the home rule amendment operates freed from legislative restriction".

There has not been an earlier court determination of some of these controversial home-rule points largely because cities and villages had been granted such a large measure of legislative home rule that they did not have to fall back upon the constitutional home-rule powers. It is hoped that at an early date other test cases may be decided so that Wisconsin cities and villages can know just what attitude the court is going to take on other phases of home rule.

If the court adheres to the theory as intimated that if any part of the field is a matter of state-wide concern, then the entire field is of state-wide concern, then home rule in Wisconsin will indeed be an empty shell since the Wisconsin state government in some degree or other has interested itself in policing, fire fighting, public health, sanitation, highways, education, libraries, parks and recreation, and practically every other type of activity engaged in by cities and villages.

COUNTY AND TOWNSHIP GOVERNMENT

Edited by Paul W. Wager

North Carolina—Districts Vote School Supplement.— Following the assumption by the state in 1933 of the entire operating expenses of an eight-month school term, only seven communities in North Carolina voted a supplementary tax to provide a ninth month or a salary increment for teachers above the state schedule. Within the last year supplements have been voted in several additional towns and cities so that about thirty districts will enjoy a nine-month term the coming year. In only one instance, however, has a county-wide supplement been voted. This is in New Hanover County, containing the city of Wilmington.

*

Simplified Tax Foreclosure Procedure Proposed.— One of the interesting legislative proposals advanced by the North Carolina clerks of the superior court in their annual meeting was one which would simplify the tax foreclosure machinery by permitting the docketing of tax certificates as judgments. Under the present law the purchaser of a tax sale certificate, after waiting for the required sixteen months, has to bring another action to foreclose the certificate and secure a judgment under which execution may be had. Under the proposed change the certificate would be docketed as a judgment, and the clerk could order execution thereon after the required time without the necessity of another action.

*

Rural Electrification in Wilson County.— One of the first counties in the country to take advantage of federal loans for rural electrification made available by the last Congress is Wilson County, North Carolina. The Rural Electrification Administration has announced a loan of $161,000 to the County Electric Membership Organization to construct 129 miles of line which will bring the conveniences of light and power to practically every community in the county. The power will be furnished and the lines maintained by the municipal plant in the city of Wilson.

*

Homestead Exemption Proposed.— Among five constitutional amendments to be voted on by the citizens of North Carolina this fall is one authorizing the legislature, at its discretion, to exempt from taxes all homes occupied by the owners, up to a maximum of $1000 per home. Compilations have been made in several counties to determine what percentage of the total assessed valuation

would be removed from the tax books if the amendment were adopted and the full $1000 exemption granted by the legislature. This percentage varies from 5.17 per cent in Forsyth County to 24.85 per cent in Caswell County. Generally the percentage of the total valuation removed increases as the amount decreases. Thus, the poor rural counties, especially those with a heavy Negro population, would experience the greatest relative reduction in their tax valuation.

*

Washington—Surveys Launched in Eight Southwestern Counties.—To carry out plans for community organization developed by lay persons and staff members at the quarterly meeting of the State Department of Public Welfare in June, a survey of the economic, social and cultural resources of eight southwestern counties in the state of Washington has been undertaken. This survey is expected to be the first step in a state-wide survey. Eight general categories of information have been set up. The first, dealing with general information about the community, includes its history, topography, natural resources, population, industry and agriculture, and its service and welfare organizations. Following this is a section on government which includes organization and financing of local governmental units. The third section deals with the organization of public and private social agencies and institutions for dependents and delinquents. Health services are considered next, with the schedules calling for a survey of the county health services, private health organizations, hospitals and clinics, housing, public safety measures and vital statistics. Recreation and leisure time activities, including character building agencies, playgrounds and parks, libraries, and commercial amusements, will be studied in one section while educational facilities will be listed as another section. A study of the place of religious organizations in the community and of dependency and delinquency will complete the survey.

*

Colorado—A Bibliography of Official County Publications.—What should prove to be a valuable aid in the study of county government is a bibliography and union holding list of official county publications, which is being prepared by James G. Hodgson, librarian, Colorado State College A. and M.A. at Fort Collins, Colorado.

The list is an outgrowth of a collecting trip made by Mr. Hodgson in 1934 and 1935 for the University of Chicago libraries, in which he visited all of the states of the United States, and all but two of the provinces of Canada, collecting state and local government publications.

A preliminary report on the condition of county official publications in the United States was made before the public documents committee of the American Library Association at its meeting in Richmond, Virginia, in May 1936. The list under preparation is an expansion of the material noted in that report.

Libraries or individuals who have good collections of official county publications (printed or in mimeographed form) and wish to have their holdings listed in the final work are requested to correspond with Mr. Hodgson. Because of the few good collections of county materials in the United States he is anxious to have listed even collections of single counties when such collections may be available to scholars.

TAXATION AND FINANCE

Edited by Wade S. Smith

Four States to Vote on Tax Limits.—Colorado, Georgia, Oregon, and Washington voters will go to the polls this fall to determine whether or not property tax limitations shall be placed or allowed to remain on the statute books. In addition, Arizona will vote on a limitation on the state levy, and Michigan and Minnesota will consider amendments to outlaw the *ad valorem* property tax.

The four proposed realty tax limitation laws follow the patterns which have already brought disaster to Ohio, West Virginia, and other states. Colorado and Oregon measures are by initiative petition seeking a limitation amendment to apply to all levying units. In Georgia a constitutional amendment passed by the last legislature comes up for ratification, while in Washington re-enactment of statutory over-all limitation law is sought by initiative petition.

In Michigan an initiated petition will submit to the voters an amendment to abolish

henceforth any tax on real property, tangible or intangible, except for debt service on obligations already incurred. An income tax would be authorized and a tax on income from real and personal property would be permissible, though new privilege, license and occupational taxes would be prohibited.

Minnesota's proposed amendment would similarly prohibit any state tax on real or tangible personal property, except for service of existing debt. Local property taxes would not be affected.

The Arizona constitutional amendment would limit the *ad valorem* tax for state purposes, except for debt service, to five mills, and county rates on a sliding scale dependent on the aggregate county assessed valuation. Intangibles are also covered by a four mill limit, in the event an intangible tax should be levied, and various excise tax rates, including that of the present state sales tax, would be limited to twenty mills on the dollar. The gasoline tax would be limited to five cents per gallon, existing tobacco taxes would be prescribed as future limits—but no limit would be imposed on the state liquor tax. Numerous "doing business" taxes would be hedged with limitations, but the limits could be exceeded for not more than two consecutive years by three-fourths vote of the legislature in case of prescribed "emergencies." Ironically enough, voters who ballot on the limitation amendment will at the same time pass judgment on a statutory measure to increase the state school levy from $25 per capita to $40 per capita, and not less than $60 per capita for high schools, an effort to provide greater state aid for education.

The fiscal difficulties following enactment of tax limitation laws which really limit levies have been enumerated in this column too many times to bear repetition. So we will be content to quote the opening remarks of Don C. Sowers in the summary chapter of his "Effect of Tax Limitation Upon State and Local Governments in Colorado:"[1]

"It is apparent from this study that overall tax limitation is unsound in principle and that its net results are destructive rather than constructive in character. The actual results of tax limitation in seven states is summarized as follows: It has resulted in shifting a portion of the burden borne by real property owners to other groups. Tax limitation has not materially reduced the total volume of taxation nor curtailed expenditures. Tax limitation has not resulted in economy of operation nor has it been effective in controlling expenditures. Tax limitation has not resulted in tax reform. Tax limitation has resulted in a marked reduction or abolition of the state tax on property for school purposes. The schools have received large allocations of the state-collected revenues and in general have not suffered greatly as a result of tax limitation. Municipalities have been most seriously affected by tax limitation. Sales taxes have been relied upon in every state to furnish new replacement revenues. Chief beneficiaries have been the large property owners, non-resident property owners, and corporations. The plan is an unintelligent and ineffective effort to accomplish desirable results."

[1]Don C. Sowers, "The Effect of Tax Limitation Upon State and Local Governments in Colorado," June 1936. University of Colorado, Boulder, Colorado.

*

Kentucky Gets Revenue Department in State Reorganization.—In a recent report in the *Tax Magazine,* James W. Martin, commissioner of revenue of Kentucky, and director (on leave) of the Bureau of Business Research of the University of Kentucky, describes the new departmental set-up devised in the recent reorganization of state administration sponsored by Governor Chandler and authorized by the new-broom legislature.

To quote Commissioner Martin:

"A phase of the reorganization plan which will be of interest to students of taxation is the revamping of the department of revenue and taxation, which is, under the terms of the bill, dubbed the 'department of revenue.' This department differs from the former department of revenue and taxation in a number of important respects. In the first place, its work is to be solely that of looking after revenue matters. Formerly, a number of regulatory functions were performed by the department the most important of which were regulation of bus and truck transportation, of alcohol traffic, and of boxing and wrestling. These control functions are all transferred to the department of business regulation, thus leaving the department of revenue free to devote its attention to its job of administer-

ing and otherwise providing leadership in the field of taxation.

"In the second place, the department is charged with responsibility for enforcing all tax laws. Heretofore, though the statutes were sufficiently comprehensive to permit supervision from the office of the tax commission, there were several tax measures not actually administered or controlled by the department. These included supervision of local taxation, administration of certain liquor taxes, and enforcement of insurance taxes. It is not necessarily contemplated that the department will take over direct control of all these, but it will undertake to see that there is a consistent tax policy even in the case of tax measures which it is deemed more economical to administer in connection with some other activity.

"In the third place, the new set-up contemplates treating normal functions of tax administration as administrative problems. In keeping with this policy, the act provides that the department shall be headed for all administrative purposes by a commissioner of revenue, who will be completely responsible for control of tax administration. For two decades the department has been headed for all purposes by a board of three coördinate commissioners. Recognizing that the functions of hearing and deciding appeals, making appraisals, and approving rules and regulations are semi-judicial or quasi-legislative in character, the reorganization act provides that there shall be associated with the commissioner of revenue two other commissioners, who, with the commissioner of revenue as chairman, shall constitute a state tax commission for the performance of these three functions exclusively. When not sitting as members of the state tax commission, these two additional commissioners will head such divisions as shall be directed by the commissioner of revenue.

"In the fourth place, there is an organization of the department which at once recognizes the traditions of the commonwealth and provides a maximum of effective, flexible control. The reorganization act sets up a division of general taxation, a division of motor vehicle taxation, a division of local finance, and a division of research; but it authorizes the commissioner, with prior approval of the governor in writing, to establish other divisions. It is contemplated that probably not more than two other divisions will be established in the near future—possibly not more than one.

"For the first time in the history of the state, it is fair to say that the structural set-up is such as not to impede effective administration of the public finances. It is important to emphasize, however, that effective accounting and budgetary control machinery, adequate legal means of recruiting personnel and of administering state properties, and a modernized structure for handling revenue problems merely establish the possibility of having good financial administration; these mechanisms will not guarantee smooth functioning. The next task is to utilize the techniques provided by the general assembly to effect a greatly improved public finance status in Kentucky."

*

Upwards of $400,000 annually should be saved by Louisiana's new tax calendar for New Orleans, according to a recent news bulletin of the New Orleans Bureau of Governmental Research. Tax anticipation borrowing will be practically eliminated, it is said.

*

New York City has secured amendment of the so-called "bankers agreement" to a reduction of $5,000,000 in the annual reserve for uncollected taxes, bringing the reserve to $12,000,000 for the 1937 budget, a figure approximately equal to the average anticipated current delinquency, according to the Citizens' Budget Commission.

*

Florida cities, led by Miami and the Florida League of Municipalities, are said to be seeking a 50 per cent return from the state, of liquor, racing and auto taxes.

*

The flat statement that so many cents of the cost of a pair of blue denim overalls or a definite percentage of the rent bill are the result of taxes is highly inaccurate, according to Dr. Mabel L. Walker, executive secretary of the Tax Policy League. In a leaflet entitled "Tax Nonsense" recently published by the League, Dr. Walker explains how many taxes are not shifted to the consumer and points out that taxes levied by some states are non-existent in others. She takes issue with those who attempt to tell the man on the street exactly what portion of his income goes into the payment of taxes.

PROPORTIONAL REPRESENTATION

Edited by George H. Hallett, Jr.

The P. R. Campaign In New York.—A strong Proportional Representation Campaign Committee has been formed in New York City to lead the fight for the adoption of P. R. for the proposed new city council on November 3. Formation of this committee followed the organization of a Citizens Charter Campaign Committee to secure a favorable vote on the proposed new charter. Because the two questions are being submitted separately and have forces backing them which are not quite identical, it was thought best to have separate committees.

The chairman of the P. R. Committee is Henry Moskowitz, president of the civil service commission under Mayor Mitchel, first market commissioner of New York City, and formerly impartial chairman in the clothing industry. Former Judge Samuel Seabury, who made P. R. his foremost recommendation in his final report to the legislative investigating committee at the end of his disclosures of political corruption in 1932, is a vice-chairman, along with Andrew R. Armstrong, president of the International Pressmen's Union; Richard S. Childs, president of the New York City Club and former president of the P. R. and National Municipal Leagues; Mrs. James Lees Laidlaw, civic leader; Rose Schneiderman, president of the New York Women's Trade Union League; and Mrs. F. Louis Slade, honorary vice-president of the National Municipal League and former chairman of the New York State League of Women Voters. Dr. William Jay Schieffelin, chairman of the Citizens Union, is treasurer.

Offices have been opened at Room 607 Pershing Square Building, 100 East 42 Street, where the new P. R. voting and counting machines are on display. Walter J. Millard, field secretary of the National Municipal League, is the principal speaker of the campaign. He and a large corps of specially trained speakers are addressing a large number of meetings of all kinds and giving radio talks on P. R. and the new charter without which P. R. cannot go into effect. The high schools are being covered with explanatory addresses on the basis of which the students can have their own discussions in civics classes and reach their own conclusions.

All the usual sorts of publicity and educational work are being undertaken with the coöperation of a number of important civic organizations which have endorsed both the new charter and P. R. The Women's City Club is selling at ten cents each (or two dollars a hundred) large numbers of an attractive leaflet on P. R. profusely illustrated with cartoons and diagrams. The League of Women Voters is doing intensive work through its branches in all parts of the city. The Citizens Union is distributing free of charge to leaders and thoughtful citizens a good many thousands of its special charter *Searchlight*, which begins with an explanation of P. R. and its advantages as proposed for New York City and continues with a synopsis of the principal provisions and advantages of the proposed new charter. The City Affairs Committee is planning a mass meeting on P. R. and the charter. The Merchants Association, the City Club, and the Citizens Union are supplying staff members to the campaign committees.

The P. R. office is in charge of George H. Hallett, Jr., the editor of this department and secretary of the Citizens Union, as campaign manager. He is assisted by Miss Elsie S. Parker, assistant secretary of the P. R. League for many years, and Mrs. Harry S. Grinleese, former Bronx chairman of municipal affairs of the League of Women Voters.

The P. R. Campaign Committee includes several members of the Smith Charter Commission of 1934: Judge Seabury, Mr. Childs, former United States Attorney Charles H. Tuttle, George Brokaw Compton of Manhattan, Mrs. William Mason Smith of Staten Island, Mrs. George Wyeth of the Bronx and Nicholas Pinto of Brooklyn.

It also includes a large number of prominent citizens, representing all the boroughs, all parties, many of the most important civic organizations, labor and capital, various occupations and professions, and the leading religious and cultural groups in the city.

The Citizens Charter Campaign Committee, with a larger and equally imposing membership under the leadership of former Judge

Morgan J. O'Brien, chairman, and George Brokaw Compton, campaign manager, is conducting activities on a larger scale from nearby offices at Room 620 in the Pershing Square Building, and lending its coöperation to the P. R. committee in so far as the interests of the two committees coincide.

The automatic reapportionment of council members to the growing boroughs which P. R. in its proposed application provides is proving one of the strongest arguments for the adoption of the new charter as well as P. R., and the charter committee is losing no opportunity to make this advantage known.

*

Columbus Vote Postponed.—The Columbus City Manager League has decided to postpone the submission of its P. R.-city manager charter until some time next year. The decision was reached because of the submission of another question on November 3 ger charter until some time next year. The P. R. rules of the charter as drafted follow closely those of Toledo.

*

Wheeling's First Year.—In July Wheeling, West Virginia, finished its first year under a council of nine elected by P. R. and a city manager chosen by the representative council. For the first time in thirteen years the city finished the year "out of the red," in addition to paying off $106,000 in unpaid bills inherited from the previous administration. Careful collection of all amounts due the city, in contrast to the former policy of letting the politically favored go free, increased the revenues; and the purchase of supplies on the basis of price and quality without consideration for political factors decreased the expenses, while the quality of the city's services was improved. Citizens attribute the record to the city's new form of government.

*

Canada's Need of P. R.—The recent annual report of the British P. R. Society contains a summary of last year's election of the Canadian House of Commons which shows convincingly how undependable is the usual single-member district system of election as a means of securing accurate representation. The Liberals, with less than half the votes, elected more than two-thirds of the members. The Social Credit Party of Alberta, with little more than a third as many votes as the Reconstruction Party, elected seventeen members to the latter's one, so heavily does the geographical distribution of votes weigh under this system instead of their actual numbers. The figures follow:

Canadian House of Commons, 1935

Party	Votes	Seats	Votes Per Seat
Liberal	1,977,428	175	11,000
Conservative	1,259,420	40	31,000
Reconstruction (Dissident Conservatives)	378,562	1	378,000
Coöperative Commonwealth Federation	338,956	8	42,000
Social Credit	137,493	17	8,000
Others	75,275	4	19,000
Total	4,167,134	245	

In spite of this striking inequality of voting power under the present system—or perhaps because of it—the select committee appointed by the House of Commons to study election reforms has recently reported that it does not recommend the adoption of a system of proportional representation at this time. The Liberal Party included P. R. in its election campaign platform, but having profited itself this time by the injustices of the present method, seems disinclined to change it. The United Farmers of Alberta a few years ago showed a similar reluctance when they came into power on a platform including P. R. (except that they did apply P. R. to the large cities where they themselves were weak) and today because of their shortsightedness have not a single member in the provincial Legislative Council which they recently controlled.

*

The Annual P. R. Dinner.—The annual meeting and dinner of the Proportional Representation League—now operating as a department of the National Municipal League—will be held as usual this fall in connection with the National Municipal League's Conference on Government. The time is 7 P. M., November 17, and the place the Commodore Perry Hotel, Toledo.

The tentative program calls for addresses by former City Comptroller Joseph D. McGoldrick, member of the New York City Charter Revision Commission which voted unani-

mously to submit P. R. to the voters of the city, who will tell about the P. R. campaign in New York and its outcome; Henry Bentley, first chairman of the Cincinnati City Charter Committee, who will discuss the results of the last P. R. election in Cincinnati, at which the Charter Committee for the first time failed to elect a majority of the council under P. R., and the successful defense of P. R. in the referendum at the spring primaries; and former Judge Aaron B. Cohn, member of the Toledo council, who will describe Toledo's first year of government under a P. R. council and a manager appointed by it.

GOVERNMENTAL RESEARCH ASSOCIATION NOTES

Edited by Robert M. Paige

Bureau of Public Administration, University of California, Berkeley.—During the past eighteen months the program of the Bureau of Public Administration has not altered materially in content or purpose, but a definite change in emphasis has occurred. The growing service rendered by the library and research facilities of the Bureau in the study of immediate public problems is, however, in complete accord with the purpose which gave inception to this university agency. Beginning in 1920 as a collection of pamphlet, periodical, and other items on economics and public affairs, the Bureau had assembled by 1929 a sufficiently large and valuable special library to attract the support of the Rockefeller Foundation, which donated funds over a six-year period for a program of research and training in public administration, under the direction of Professor Samuel C. May.

This program has consisted of (1) the expansion of the collecting and reference library functions, (2) the use of library materials and Bureau staff to instruct students in public administration, (3) a series of long-time original research projects (chiefly in the fields of federal-state administrative relationships, administration of criminal justice, and police administration), and (4) service to public agencies, officials, citizens' organizations, and students of government, through the compilation and distribution of specific information available in the library, the conduct of surveys and studies to develop pertinent data, and the assistance rendered by the director and staff of the Bureau as consultants to and as members of special boards and committees.

The year 1935-1936 has been the last year of contribution from the Rockefeller Foundation, prior to full assumption of the financial support of the Bureau of Public Administration by the University of California, as originally agreed. During this year a fourth librarian has been added to the staff; the publication program has been accelerated (see list below); the information service for state legislators instituted in 1934 has been continuously utilized by members of the California senate and assembly and by interim committees; special reports have been prepared for a large number of organizations and officials; and requests for consultation on charter, administrative, and organizational matters have made heavy demands on the time of the Bureau staff.

There has been an average enrollment each semester of 306 undergraduate and 48 graduate students in the public administration courses of the Department of Political Science. The seminar in public personnel administration, conducted with the coöperation of state officials, has been especially useful in training for this growing field. Placement of graduate students during the year included 15 federal, 5 state, and 3 county appointments, and 2 appointments in research organizations.

The chief new project undertaken since 1934 is the comprehensive survey of local government units in the nine counties bordering on San Francisco Bay, conducted as an SERA and WPA project under the direction of O. W. Campbell. The gathering of data from field sources has employed from twenty to thirty workers for the past eight months. The analysis of these data and preparation for publication will be the task of the coming year. Also under way are studies of the administration of juvenile courts in California, by Frances Cahn, and unemployment relief administration, by Milton Chernin, and a bibliography of social security, by Dorothy C. Culver. The Bureau is coöperating with the United States Attorney General's "Survey of Release Procedures," by lending R. H. Beattie, Research Associate, for direction of the survey in region eleven.

Studies and bibliographies completed and/or published during the year are:

1. A system of criminal judicial statistics for California. Ronald H. Beattie. 232 pp.
2. The public defender and private defense attorneys. 34 pp.
3. California prison population, 1902-1934. Ronald H. Beattie. 22 pp.
4. Governmental research organizations in the western states: a directory of agencies and an index to their studies. 50 pp.
5. Land utilization: a bibliography. Dorothy Campbell Culver. 222 pp. Out of print.
6. Methodology of social science research: a bibliography. Dorothy Campbell Culver. 159 pp.
7. Governmental relationships in agriculture. Carleton R. Ball. In press.
8. Welfare activities of federal, state, and local government in California, 1850-1934. Frances Cahn and Valeska Bary. In press.
9. Police communication systems. V. A. Leonard. In press.
10. The police in modern society; a practical study. August Vollmer. In press.
11. Study of criminal appeals in California, 1929-1935. Ronald H. Beattie. To be published by the Judicial Council of California.
12. California state government: an outline of its administrative organization from 1850 to 1936. Elsey Hurt. To be published by the California State Department of Finance.
13. Financial and social provisions of liquor laws: an analysis. Dorothy Campbell Culver. 237 pp. 22 tables. Typescript. Available only on loan.

*

Taxpayers Research Bureau of Utica, New York.— During the past eight months this bureau has assisted in the preparation of specifications to be used as the basis for a three-year street cleaning contract. Prior to this year, streets were cleaned by the city directly. This year the city decided to turn this task over to a private contractor. Accurate specifications were needed to insure genuine competitive bidding for this contract.

The Bureau also assisted in preparing specifications covering the collection of ashes and garbage. This year the city also entered into a three-year contract for the performance of these services.

The Bureau devoted a great deal of attention to the city budget and the budget of Oneida County and worked with the city officials in determining the exact amount of the present bonded debt of the city, in estimating the amount of the bond issues which will be necessary in the immediate future, and in computing the city's debt limit and debt margin.

The Bureau was instrumental in securing the passage of legislation placing the county sheriff on a salary instead of a fee basis. The sheriff's salary in the future will be $6,000 a year, and all fees collected by his office will be deposited in the county treasury. It has been estimated that the county sheriff in Oneida County collects from $12,000 to $20,000 a year in fees.

At the request of the mayor, the Bureau secured information with reference to repaving and resurfacing practices in the larger cities of New York State. On the basis of information collected by the Bureau, the city adopted the policy of paying repaving and resurfacing costs out of general city funds. Formerly, such projects had been financed by special assessments on abutting property owners.

At the present time, the Bureau is endeavoring to devise a plan whereby the present police pension system can be placed on an actuarially sound basis. The Bureau is also working with the city administration on the problem of placing a new contract for street lighting.

John W. Nowland,
Executive Director

*

Tennessee Taxpayers Association.—The research staff of the Association completed its first state-wide survey of county, town and special taxing district government on June 30. This survey, conducted with the financial support of the investment houses holding membership in the Tennessee Municipal Security Dealers Association, resulted in the compilation of short reports upon each of the 269 units of local government in the state. These reports reveal the income, expenditures, bonded indebtedness, floating debt, overlapping debt and an analysis of the purposes for which bonds were issued. They also present an analysis of sinking fund assets, of those bond interest and principal payments in default, and a schedule of bond principal ma-

turing annually for the next eight years. Various aspects of the assessed value of taxable property, property tax rates, taxes levied, tax delinquencies, budget procedure in vogue, an evaluation of accounting methods, etc., are set forth.

The records, administrative methods and to a limited extent the basic industrial, commercial, financial and agricultural structure supporting each unit of local government, were studied. The survey covered Tennessee's ninety-five counties, 150 incorporated towns and cities large enough to have bonded indebtedness outstanding, and twenty-four special taxing districts.

The distribution of the resulting reports upon the individual units of government was limited to the the investment houses which financed the survey. Summaries presenting the aggregates for the entire state and significant facts growing out of them, however, are to be made available for general distribution. Upon these ascertained facts and the intimate knowledge of local governmental conditions gained through the personal contacts with county and town officials, developed through the survey, the Association is preparing a legislation program for consideration by the 1937 general assembly upon which are based some substantial hopes of early improvement in the administration of county government.

In August 1936, a second contract was entered into for an annual survey of all these units, excluding, however, those towns having a bonded debt of less than $50,000. It is expected that this survey will become a fixed policy, on an annually recurring basis.

The fifth annual survey of the Tennessee state government is now being completed. The resulting report will first be mimeographed and distributed in small installments. Sections of from ten to thirty pages will be sent out as they are completed, rather than waiting until the entire report of perhaps 200 pages may be sent in one volume. When the last installment is dispatched, members of the legislature, state executives, the press, the membership of the Tennessee Taxpayers Association and those on the exchange list will be offered bound volumes of the complete report. The compilation of the statistical sections of the fifth annual state report has been greatly facilitated through the inauguration of a modern governmental accounting system and budgetary control over expenditures.

The improvements made in subjecting expenditures to scrutiny and an increased measure of control before liabilities are incurred, and holding outgo firmly within the limits of the biennial appropriation bill, enabled the state to close the fiscal year on June 30 with a continuation of about the same $5,000,000 annual reduction in expenditures that has occurred for three successive years. The annual deficit in the general fund—the only one in which a deficit occurs—has been reduced from the former level ranging from three to six millions per year to one of slightly over one million.

A sweeping reorganization of the state department of finance and taxation, which like the improved accounting procedure was recommended by the Association has been in progress for several months, under the direction of certified public accountants who specialize in governmental audits and administrative installations. Another force of public accountants and three special attorneys has conducted a detailed investigation of Tennessee's much publicized evasions of gasoline tax. State revenue collections in Tennessee for the fiscal year ended on June 30 showed a 12.4 per cent increase. The larger part of this was due, it is believed, to the progress of general business recovery. A part, nevertheless, is traceable to the correction of conditions which followed the gasoline tax evasion disclosures.

In June, members of the staff conducted an extended study tour of state and local government in Virginia and North Carolina. The results of these studies and the general background afforded by the four and one-half years' work of the Association are being employed in constructing a legislative program for further economies and governmental improvements to be submitted to the 1937 session of the Tennessee general assembly.

William R. Pouder,
Executive Secretary

*

Irvington (New Jersey) Council for Municipal Economy.—The Irvington Council was formed in May 1933, by about one hundred large property owners in Irvington. These men started out with the premise that the only way to reduce taxes was to reduce the cost of local government, and they

decided to attack this problem as they would a financial problem in their own businesses. In other words, they felt that the proper solution lay in introducing good business methods and principles into the important business of running Irvington's municipal government.

They realized that whatever suggestions they might make to the city for bringing down costs would have little value unless such suggestions were founded on a thorough knowledge of the facts. Therefore, they proposed to make detailed studies of every item in the municipal budget, which meant that every department and the school system as well would be surveyed with special attention given to cost of operation. Recommendations, when ready, were not to be made at public hearings or meetings where they might embarrass the officials and "put them on the spot." They would, instead, be offered at private conferences with the official or officials interested, where the findings and suggestions resulting therefrom could be discussed frankly and fully. Salesmanship, not pressure or threats of political action, would provide the motive power to further recommendations. The founders of the Council went on the assumption that every elected office holder wants to make a good record in office and that even the deepest dyed politician realizes what a political asset a good record is. The Council sought results, not credit. It was felt that the credit for improvement should go to the public officials who had the intelligence and courage to recognize and adopt worth while suggestions in the face of the importunities of the ever present machine politicians, ward-heelers and special interests. Politics and newspaper headlines were ruled out, and as for "axes to grind," members of the council had but one—a reduced tax levy that would benefit not only themselves but every property owner in Irvington.

The Council has now concluded three years of rather intensive activity. In this three-year period, Irvington's gross debt has been reduced by $2,615,000 and will continue to be reduced by nearly $500,000 yearly. The city is now operating on a pay-as-you-go basis. No longer does the city borrow in anticipation of tax collection.

In May 1933, tax collections were badly crippled, due partly to economic conditions and partly to an antiquated collection system. Today Irvington has an up-to-date collection system, which has helped to eliminate the delinquency problem.

The cost of operating five municipal departments has been reduced by $135,000 a year. This does not include savings due to pay cuts, which have been restored. The cost of operating the schools has also been reduced by a substantial amount, approximately $125,000 not counting savings from salary reductions.

Both municipal departments and the school system are being run more efficiently and are giving more adequate service to the community today than at any other time in the history of the town.

In conducting a comprehensive school survey, the Council had the assistance of Dr. William H. Allen of the Institute for Public Service of New York; in conducting a hospital survey, the assistance of Dr. Carl McCombs of the Institute of Public Administration.

A. A. Burger, *Secretary*

*

Bureau of Governmental Research, Indianapolis Chamber of Commerce.—During its second year of existence the Bureau of Governmental Research of the Indianapolis Chamber of Commerce participated in a number of important surveys and studies.

The regular session of the Indiana legislature, meeting in 1935, adopted a law which gave the city of Indianapolis a semblance of a merit system in the police and fire departments. Under the terms of this law, both departments were required to establish training schools. Before the police school could get under way, it was necessary to revise completely the police manual, which had not been revised since 1920. Almost all existing rules and regulations in the police department had to be redrafted to meet present day requirements, and a completely new set of rules had to be drawn up to govern the use of police radio. The director of the Bureau assisted the commanding officers of the Indianapolis police department in the preparation of this new police manual and after it had been completed, the Bureau assisted the police department in establishing its school for police recruits.

The director of the Bureau also supervised a study of the powers and duties of Indiana

police officers and the preparation of a manual giving brief definitions of felonies and major misdemeanors under the Indiana law. This manual will be useful to all classes of Indiana peace officers.

The last classification of city positions was made in 1917, when the New York Bureau of Municipal Research surveyed the government of the city of Indianapolis. At the request of the mayor, the Bureau, with the assistance of a staff of WPA workers, drafted a questionnaire which was subsequently filled out by every city employee. On the basis of these questionnaires, positions were re-classified and tentative pay schedules set up. This comprehensive personnel study was used by the mayor in preparing his 1937 budget.

In Indiana the various county tax adjustment boards review the budgets of all local units of government for the purpose of attempting to keep the tax rate within the limit established by law (1.5 per cent of assessed valuation is the limit within incorporated municipalities; 1 per cent in unincorporated areas). The county tax adjustment boards have the authority to declare that an emergency exists and to permit levies which are in the aggregate more than 1.5 per cent of assessed valuation. The tax adjustment boards, composed partly of officials and partly of lay citizens, have only two weeks in which to review the budgets of all local governments within their respective counties and have no technical assistants to help them with this very large and responsible task. Last year the Bureau prepared for the Marion County tax adjustment board a comprehensive statement, comparing expenditures over a period of years, pointing out the reasons for increases and recommending, in a number of instances, decreases in specific items of various budgets. This statement proved helpful to the board in fixing 1936 tax rates. The Bureau plans to prepare a similar statement for use in connection with the examination of 1937 budgets.

A study of old age pension statistics of Indiana for 1935 was compiled. This compilation was similar in form and content to the one made last year covering 1934 statistics.

At the request of the Indianapolis City Council, the Bureau prepared a memorandum outlining the possibilities of motor vehicle inspection.

The director of the Bureau worked with special drafting and special legislative committees of the state government in preparing legislation, reorganizing the public welfare agencies of the state to meet the requirements of the social security act.

At the present time, Virgil Sheppard, director of the Bureau, is on leave of absence and is serving as the director of the Public Assistance Division of the Indiana State Department of Public Welfare. As director of the Public Assistance Division, he has assisted in the preparation of rules and regulations and procedures governing the administration of old age assistance, assistance to the needy blind and assistance to dependent children in their own homes, in accordance with the requirements of the social security act. Mr. Sheppard has also served as a member of the advisory committee which worked with the Consulting and Research Division of Public Administration Service, which agency had been called into help with the drafting of a comprehensive, up-to-date merit plan for personnel management in the Indiana Department of Public Welfare and the Division of Unemployment Compensation.

In the absence of Mr. Sheppard, the Bureau of Governmental Research is under the immediate supervision of Mr. William H. Book, executive vice-president of the Indianapolis Chamber of Commerce.

*

Public Administration Service. — The year thus far has been an extremely active one as indicated by the following brief summary of the survey, research, and installation projects carried on during this period.

A survey of personnel administration of Cincinnati, Hamilton County and the Cincinnati school board, for the city-county-schools coördinating committee, which was begun early last fall, was completed by Joseph Pois.

A reorganization and installation for the highway department of Greenwich, Connecticut, which was begun in January of this year, was completed and reviewed by Walter Harris, Clarence Bingham, and William Lafferty.

Public Administration Service is participating in the New York State Regents Inquiry into the Character and Cost of Public Education of which Luther Gulick is the director. Gustave Moe, chief of field staff, is supervisor of the PAS phases of the work which

relate to school administration, finance, business management, and educational costs. Other staff members working on the project are John Willmott, Russell Drake, and Walter Harris. It is estimated that work on this study will not be completed until spring of next year.

For the state of Kentucky, Public Administration Service is directing the installation of modern administrative and financial procedures as authorized by the reorganization act passed by the state legislature. Mr. Pois is supervising the project. Other PAS staff members working on this project are: Walter Harris, Robert Clark, Milton Provus, Edward Wilber, and Israel Rafkind. Miss Vera Lee has been borrowed from the Kentucky WPA and ERA offices to assist on this project. It is expected that this study, which was started last March, will be completed by the end of the year.

The report of the personnel survey in Michigan and a proposed civil service act for the state were completed by David Robinson. This study was undertaken for the Michigan Civil Service Study Commission.

Public Administration Service is assisting in a personnel installation in the Indiana public welfare department and the unemployment compensation division. The staff consists of Mr. A. E. Garey, personnel director of the state of Wisconsin, who has been borrowed to direct the study, and Merrill Collett of the staff of Public Administration Service.

Demonstration municipal personnel installations in Flint, Dearborn, and Saginaw, Michigan are being conducted by Public Administration Service. These installations are part of a joint personnel program sponsored by the Michigan Municipal League and the Civil Service Assembly in the state of Michigan. Charles Yard and James Mitchell of the staff of Public Administration Service are working on this project and are being assisted by Maxwell DeVoe of the staff of the Civil Service Assembly.

A survey and installation program for the city of Saginaw, Michigan is being carried on by Public Administration Service in the four departments of public works, welfare, police, and motor equipment. David Robinson is directing the job and has been assisted by William Lafferty, Louis Hosch, technical consultant of the American Public Welfare Association, and Arnold Miles, assistant to the director of the American Municipal Association.

Public Administration Service has been conducting a survey and installation in the department of public welfare of Springfield, Massachusetts. The staff on this job consisted of Russell Drake, William Lafferty, and Louis Hosch.

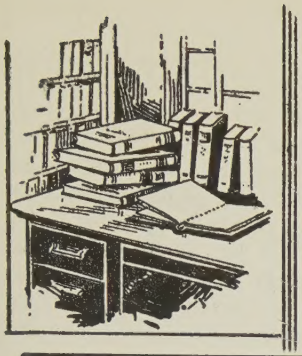
A survey was recently completed of the treasury, purchasing, and personnel divisions for Monroe County, New York. John Willmott, Gustave Moe, and Russell Drake composed the staff working on this project.

A survey of the police and fire departments is being conducted for Winnetka, Illinois. Mr. Robinson is directing the survey and is being assisted by Lyman Moore of the International City Managers' Association.

Public Administration Service has rendered an increased program of services to the International Association of Chiefs of Police. These have included publication of the Police Chiefs' News Letter, the compilation of a selected police bibliography, direction of a membership campaign, and assistance in research and inquiry services.

Several recent additions have been made to the permanent staff of Public Administration Service. They are: Edward B. Wilber, who was formerly a field representative for International Business Machine Company; Charles F. Yard, a senior examiner with the New Jersey State Civil Service Commission and before that with the New Jersey State Highway Commission; James M. Mitchell, formerly acting personnel officer with the Farm Credit Administration in Omaha and with Oliver Short in Maryland; Robert W. Clark, organizer and supervisor of Connecticut's CWA and ERA work relief program and more recently of the regents education inquiry in New York; Merrill Collett, formerly with the division of procedures of the Works Progress Administration; and Milton Provus, for the past two years with the Farm Credit Administration and before that with J. L. Jacobs, public administration consultant. Arnold Miles resigned from the staff of Public Administration Service to become assistant to the director of the American Municipal Association.

DONALD C. STONE, *Director.*



RECENT BOOKS REVIEWED

EDITED BY GENEVA SEYBOLD

Federal Commissioners. By E. Pendleton Herring. Cambridge, Harvard University Press, 1936, 151 pp. $1.50.

Two major faults in our present system of federal government regulatory agencies are the average brevity of service of the commissioners and the lack of intimate knowledge of administrative duties on the part of most appointees. These findings are based by the author on a study of the careers and qualifications of all holding office since the origin of each agency in the Interstate Commerce Commission, the Federal Reserve Board, the U. S. Tariff Commission, the Federal Trade Commission, the Federal Power Commission, the Securities and Exchange Commission, the Federal Radio Commission and its successor, the Federal Communications Commission.

A short probationary appointment of about four or five years to be followed by a twelve year term for those who have demonstrated their competence is suggested and once more is emphasized the need for building up a career service so that the important office of commissioner may be held by one who has filled minor posts with great success and has a sound background of administrative experience.

Appendices contain interesting detailed information obtained through questionnaires sent to those now serving and those who formerly served on the federal commissions.

*

Taxation and Public Policy. Edited by Paul Studenski. New York, Richard R. Smith, 1936. 267 pp. $3.00.

Perhaps the most valuable service to render the prospective readers (and they should be many) of this symposium is to list the chapter headings and their authors. This has been justly termed the "lazy man's" method of book reviewing but in this instance it performs a service impossible of performance otherwise. Here they are:

Public Finance in the World Crisis — Paul Studenski
Public Budgeting ..... A. E. Buck
American Federal Finance — William Withers
American State Finance — M. Slade Kendrick
American Local Taxation — Philip H. Cornick
American Educational Finance — John K. Norton
Municipal Credit in the United States — Frederick L. Bird
Coördination of American Federal, State, and Local Finance .... Clarence Heer
European Public Finance in the World Crisis ..... Gerhard Colm
Who Pays for War? — An Englishman's Point of View ..... Hugh Dalton
Who Should Pay for the Next War? — An American Proposal . Paul Studenski
A Tax Program for the Future — Paul Studenski

Most of the chapters appeared originally in *The Nation,* which published the series to contribute the point of view of the younger economists and specialists in public finance on the major problems in that field. Publication in book form, with the added chapters by Frederick L. Bird and the editor, is a real service in these times of pressing public finance problems.

*

Legislative Processes: National and State. By Joseph P. Chamberlain. New

York, D. Appleton-Century Company, 369 pp. $3.50.

The intermediary processes from the time a bill is prepared until it emerges as law are complicated enough to make the average citizen dizzy. Many a civic minded group desirous of obtaining certain legislation has given up for lack of sufficient information of how to have a bill introduced and how to follow it through. Textbooks on state government attempting to cover the subject in a few paragraphs are not explicit enough for practical purposes; nor is the average legislator, familiar as he is with particular parts of the process, of much assistance in presenting a lucid outline of the whole procedure in the legislative mill.

And thus, although Dr. Chamberlain designed his material chiefly for university classes in legislation, he fulfills a real need of citizenry with his well rounded discussion of the lawmaking function of legislative bodies. The object of the book is "to consider the organization which has grown up in the legislative bodies of this country for the purposes of getting laws made, of examining the facts and the policies behind a proposal, of weighing public opinion pro and con and of properly drafting bills".

The author who is professor of public law at Columbia University and director of the Legislative Drafting Research Fund of that university has had long experience with the preparation and handling of bills. He has drawn, too, upon the experience of members of congress and state legislators.

The relationship of the President to congress and the governor to the state legislature, in the passage of laws, receives attention as well as the place of the political party. The powers of the courts in determining the constitutionality of laws and interpreting them is described and there is discussion of the treaty as law.

New York Advancing. Edited by Rebecca B. Rankin. Published by city of New York, 1936, 368 pp., illustrated. Fifty cents.

Progressive achievements of Mayor La Guardia's Fusion administration since it took office on Jan. 1, 1934 are recounted in this de luxe year book. Summarizing the salient work of all city departments during the last two years, the volume presents a powerful picture of municipal government in action. It portrays the expansion of the city's park system, its transportation, water supply, municipal housing and relief activities. Emphasizing the part municipal government should play in developing cultural opportunities, it presents plans for establishment of a huge municipal art center and details advances in cultural education in the city schools. New experiments in public education are set forth; plans for a municipal power plant are discussed and the necessity for revising the antiquated city charter is explained.

Officials of other cities and readers interested in municipal government will find this book a clear and succinct account of what New York has done in the last two years and what it hopes to do in the future.

WILLIAM R. CONKLIN

*

A Bibliography of Police Administration and Police Science. By Sarah Greer, New York, Institute of Public Administration, 1936. 152 pp. $1.50.

There has long been need for the bibliography which Miss Sarah Greer, Librarian of the Institute of Public Administration, now presents. Done with her usual thoroughness and an eye to the requirements of the technician as well as of the casual student, the book not only supplies another welcome addition to her own bibliographic series but gives us for the first time the key to a whole storehouse of material on police science.

The dramatic ways in which scientific crime detection has come to the aid of the authorities within recent years have focussed attention on this phase of police administration. Miss Greer's selection of material in this field is admirable, ranging from the most scientific of police works in other languages to Arthur Koehler's popularly written article in the *Saturday Evening Post* on "Who made that ladder?"

It is true that there are two other bibliographies that touch this field: Kuhlman and Culver's work on criminal justice and Sir John Cumming's bibliography but the former is more general and the latter's emphasis is British. Neither detracts from the contribution to the field made by this welcome newcomer.

H. P. J.